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How Does a Democratic Brazil Contrast with Authoritarian Brazil in Terms of Promoting Human Security?

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HOW DOES A DEMOCRATIC BRAZIL CONTRAST WITH AUTHORITARIAN
BRAZIL IN TERMS OF PROMOTING HUMAN SECURITY?

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts

By

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B.A., Political Science and International Studies, Wright State University, 2006

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I HEREBY RECOMMEND THAT THE THESIS PREPARED UNDER MY SUPERVISION BY PABLO A. BANHOS ENTITLED HOW DOES A DEMOCRATIC BRAZIL CONTRAST WITH AUTHORITARIAN BRAZIL IN TERMS OF PROMOTING HUMAN SECURITY? BE ACCEPTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS.

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ABSTRACT

Banhos, Pablo A. M. A., International and Comparative Politics M. A. Program, Wright State University, 2009. How Does A Democratic Brazil Contrast With Authoritarian Brazil In Terms Of Promoting Human Security?

This study compares and contrasts two distinct regimes, the Brazilian military regime (1964-1985) and Brazil's current democratic regime (1985-2007). The focus of this thesis is to determine why, compared to the authoritarian regime, human security has improved measurably under democracy in some areas but not in others. To assess this paradox, one variable has been chosen: the rule of law, specifically conceptualized as violations of physical integrity. This research centers on the metropolitan areas of São Paulo and Rio de Janeiro and is based on a qualitative examination supplemented by quantitative evidence. The study finds that violations of physical integrity need to be reevaluated more comprehensively, as failures to make progress in this area of human rights so often contribute to the deterioration of legitimacy of both regime types, in Brazil and elsewhere.

TABLE OF CONTENTS

1. Introduction.....	1
1.1. Statement of the Problem.....	3
1.2. Literature Review.....	5
1.3. Methodology.....	14
1.4. Chapter Outline.....	14
2. The Rule of Law in Authoritarian Brazil.....	16
2.1. A Brief History of Institutional Violence.....	18
2.2. The Structure of the Brazilian Police- A Historical Overview.....	22
2.3. The Beginning of Authoritarian Rule (1964).....	25
2.4. Structure of the Brazilian Police During the Coup and Stabilization (1964-1967).....	27
2.5. Structure of the Brazilian Police During the <i>Linha Dura</i> (1968-1973).....	29
2.6. Structure of the Brazilian Police During the <i>Distensão</i> and <i>Abertura</i> (1974-1985).....	33
2.7. Death Squads in Brazil.....	35
2.8. Death Squads During the Military Dictatorship (1964-1985).....	40
2.9. Violations of Physical Integrity During the Coup and Stabilization (1964-1967).....	42
2.10. Violations of Physical Integrity During <i>Linha Dura</i> (1968-1973).....	45
2.11. Violations of Physical Integrity During the <i>Distensão</i> and <i>Abertura</i> (1974-1985).....	50
2.12. Conclusion.....	54
3. The Rule of Law in Democratic Brazil.....	55
3.1. Structure of the Brazilian Police During the Neves/ Sarney Presidency (1985-1989).....	56
3.2. Structure of the Brazilian Police During the Collor/ Franco Presidency (1990-1994).....	61
3.3. Structure of the Brazilian Police During the Cardoso Presidency (1995-2003).....	66
3.4. Structure of the Brazilian Police During the Lula Presidency (2003-2007).....	71
3.5. Violations of Physical Integrity During the Neves/ Sarney Presidency (1985-1989).....	74
3.6. Violations of Physical Integrity During the Collor/ Franco Presidency (1990-1994).....	78

3.7.	Violations of Physical Integrity During the Cardoso Presidency (1995-2003).....	83
3.8.	Violations of Physical Integrity During the Lula Presidency (2003-2007).....	86
3.9.	Death Squads During the New Democratic Regime (1985-2007).....	90
3.10.	Conclusion.....	94
4.	Analysis of Findings: Contrasting Democratic Brazil with Authoritarian Brazil: The Rule of Law.....	95
4.1.	Violations of Physical Integrity by State and Nonstate Actors.....	95
4.2.	Institutional Violence.....	98
4.3.	Noninstitutional Violence.....	103
4.4.	Conclusion.....	107
5.	Conclusion.....	110
	References.....	118

LIST OF TABLES

Table 1.1: Brazil's Historical Hierarchical System.....	8
Table 2.1: Historical Uprisings in Brazil and State Action.....	19
Table 2.2: Institutional Violence in Brazil.....	20
Table 2.3: Brazil's Most Prominent Institutional Acts.....	26
Table 2.4: Suspected Death Squad Murders in the State of Rio de Janeiro (1958-1968).....	38
Table 2.5: Rate of Institutional Violence (1964-1985).....	43
Table 2.6: Brazil's Military Presidents During the Dictatorship (1964-1985).....	51
Table 2.7: Military Police Killings in São Paulo (1960s-1980s).....	53
Table 3.1: Military Police Killings in the Metropolitan Area of São Paulo (1983-1989).....	77
Table 3.2: Homicide Rates in the U.S., Japan, and Europe (1970-1990).....	79
Table 3.3: Homicide Rates in the Americas (1993).....	80
Table 3.4: Homicide Rates in the Americas (Late 1980s and Early 1990s).....	80
Table 3.5: Military Police Killings in the Metropolitan Area of São Paulo (1991-1994).....	82
Table 3.6: Institutional Killings in São Paulo (1995-2003).....	84
Table 3.7: Institutional Killings in São Paulo (2003-2007).....	87
Table 3.8: Suspected Death Squad Victims by Number and Year in the State of São Paulo (1985-1999).....	91
Table 4.1: Disappearances in Brazil, Argentina, and Uruguay (1975 and 1979).....	99
Table 4.2: Institutional Killings in São Paulo (1964-2007).....	102
Table 4.3: Homicide Rates in São Paulo (1960-2007).....	104

Table 4.4: Suspected Number of Death Squad Victims in the State of São Paulo (1965-2000).....	106
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LIST OF ACRONYMS

- ALN: Action for National Liberation (*Ação Libertadora Nacional*)
- ARENA: Alliance of National Renovation (*Aliança Renovadora Nacional*)
- CNBB: Brazilian Confederation of National Bishops
- DEIC: Department of Criminal Investigations (*Departamento Estadual de Investigações Criminais*)
- DFSP: Federal Department of Public Safety (*Departamento Federal de Segurança Pública*)
- DOI/CODI: Directorate of Defense and Operations (*Destacamento de Operações de Informações/ Centro de Operações de Defesa Interna*)
- DOPS: Department of Political and Social Order (*Delagacia de Ordem Política e Social*)
- EM: Motorized Patrol Group
- GOE: Special Operations Group (*Grupo de Operações Especiais*)
- IA: Institutional Acts (*Atos Institucionais*)
- IBGE: Brazilian Institute for Geography and Statistics (*Instituto Brasileiro de Geografia e Estatística*)
- INI: National Institute of Identification (*Instituto Nacional de Identificação*)
- MDB: Brazilian Democratic Movement (*Movimento Democrático Brasileiro*)
- MR-8: Revolutionary Movement 8th October (*Movimento Revolucionário de Oito de Outubro*)
- OBAN: Operation Bandeirantes (*Operação Bandeirantes*)
- RONE: Civil Police Night Patrol Group (*The Rondas Noturnas Especiais da Polícia Civil*)
- ROTA: Tobias Aguiar Patrol Group (*Rondas Ostensivas Tobias de Aguiar*)
- RUDI: Department of Investigations of Unified Patrol (*Rondas Unificadas de Departamento de Investigações*)
- SAE: Secretariat for Strategic Affairs (*Secretaria de Assuntos Estratégicos*)

SNI: National Secretariat of Information (*Serviço Nacional de Segurança*)

UNESCO: United Nations Educational, Scientific, and Cultural Organization

GLOSSARY OF NON-ENGLISH TERMS

Bandeirantes: private armies responsible for enslaving the native population

Brigadas: brigades

Café com Leite (Coffee with Milk): period in Brazil (1889-1930), in which the coffee landowners from the state of São Paulo and milk producers from the state of Minas Gerais alternated the presidency

Câmara dos Deputados: the lower house of Congress

Capitanias Hereditárias: large plots of land in Brazil governed by Portuguese aristocracy

Capitães do Mato: professional slave hunters hired by the oligarchies

Cara de Cavalo: horse face

Caveirão: armored troop carrier

Chacinas: massacres

Comando de Caça aos Comunistas: a group against communists

Coronéis: strong men

Defensor Pacis: the Defendor of Peace

Delegado: chief of police

Distensão: the slow and gradual process of political liberalization

Donatários: Portuguese elites who paid an annual tribute to the Portuguese Crown in return for large plots of land

Esquadrão da Morte: death squadron

Esquadrão Motorizada (EM): Motorized Patrol Group

Estado de Derecho: state of laws

Estado Novo: New State established by President Vargas' coup in 1937

Favelas: shanty town

Força Pública: public forces or public brigades

Guardas Civis: civil guards

Guardas Municipal: municipal guards

Grupos de Shoque: special tactics forces

Inconfidência Mineira: one of the most famous and bloody revolts in Brazil's history (1789).

Jagunços: backland fighters

Justiceiros: professional assassins

Lei Monstro: the Monstrous Law

Linha Dura: hardliners; the period of the dictatorship considered the most repressive (1968-1973)

Operação Limpeza: Cleanup Campaign

Poder Moderador: moderating power

Polícia Civil: civil police

Polícia Federal: federal police

Polícia Militar: military police

Scuderie Le Cocq: Le Cocq's Shield

Sertanejes: poor from the Northeast region

Tiradentes: tooth puller

Turma da Pesada: a hard core group (death squad)

1. Introduction

On March 15th, 2005, a landmark in the history of Brazil was established. This day marked the twentieth year of uninterrupted democracy since its independence in 1822 (Power, 2005). Unfortunately, the date went unnoticed in the lives of millions of Brazilians as their overall quality of life has remained largely static since the end of the military dictatorship in 1985. This lack of progress has been a common experience shared by many states transitioning from authoritarian to democratic regimes; the overall lifestyle of the population is expected to improve under the new system but does not (Brandon and Mattes, 2001).

Similar to many countries transitioning from an authoritarian regime to a democratic system, Brazil faces many challenges. For instance, the continuity of the elitist social hierarchical structure, implemented during the Portuguese rule, still produces a highly uneven distribution of power and wealth. As a result, for many years Brazil has ranked among the top three countries in the world with the highest levels of social and economic inequality (Skidmore, 1999; United Nations Human Development Report 2007/2008).

On the same note, there are also significant disparities in the delivery of services provided by the government to Brazilians, specifically in the areas of education, health, and security. Unfortunately, blacks, women, and the people from the North and Northeast are the most negatively affected. As ordinary citizens become more educated and aware of these disparities, the consolidation of Brazil's democracy can become seriously threatened, as the excluded classes might hold their leaders accountable and turn their support to authoritarian or personalist leaders once again (Henderson, 1991).

The elites, on the other hand, by employing mechanisms of clientelism and patronage, repression (with or without the military and police support), and deceit through the manipulation of the control of the media, maintain their status quo (Skidmore, 1999). The perpetuation of power by the elites is also important to point out because in any democracy, leaders must be willing to embrace and accept the rules of the system (e.g., alternation of power) “in a regular and predictable way” (Diamond, 1999, p. 73).

The role of the military in politics and in the public security apparatus, including restructuring the Brazilian police in the late 1960s, is also equally important and one of the main foci of this thesis. Diamond (1999) suggests that consolidation can only occur when the military is under full civilian control. Stepan (1971) concurs and ponders the fact that (contemporary) research on democratization often neglects this critical issue. In the case of Brazil, some argue that the new civilian leadership has not been able to fully keep the armed forces from interfering in politics and often request their help to fight crime (Bicudo, 1999; Pinheiro, 1999; Zaverucha, 1999).

In this research, I also examine the limited institutionalization of the rule of law under the democratic regime. I ask why has human security in Brazil improved measurably under democracy in some areas (e.g., political rights) but not in others (e.g., civil rights)? In the 1980s, military and civilian elites reestablished the democratic system in Brazil through negotiations behind closed doors. The reimplementation of democracy in Brazil violated its fundamental principles of participation and open contestation (Azevedo, 2006). Therefore, the result could be that from day one democracy could have been set up for failure. With this in mind, does an orchestrated democracy mean a flawed

democracy? Does the Brazilian democracy suffer from flaws which manifest as allowing for improvements in some areas and failure or slower progress in others?¹

1.1. Statement of the Problem

Why, compared to the authoritarian regime, has human security in Brazil improved measurably under democracy in some areas but not in others? I hypothesize that a combination of two premises, an orchestrated democracy and the country's old politics of clientelism and patronage, contribute to the dysfunctional democratic system currently in place as manifested in improvements in some areas and failure or slower progress in others.

In this thesis, the inadequacy of the rule of law in democratic Brazil is associated with the increasing rate of violent crimes committed by state and nonstate actors. As a result, democracy promoters are worried about the possibility of a reverse democratic wave within new democracies as the population becomes less enthusiastic about the slow nature of progress under the democratic system (Carothers, 2004). Failures in some areas have contributed to a decline of approval rates and levels of confidence placed in the new Brazilian democratic system. Surveys conducted by Latinobarometro (2004) reveal that the preference for democracy in Brazil has dropped between 1996 and 2003.

According to Stavenhagen (1990), this shortcoming leads to a "restricted" form of democracy, in which the standards of living for a large part of the population does not improve because they are excluded from participating in the political process (p. 48-50).

¹ Violations of physical integrity by state and nonstate agents in Brazil are the theme chosen under the rule of law. I conceptualize "violations of physical integrity" to include "freedom from torture, disappearance and extrajudicial killings," based on the research of Ronald Ahnen (1999, p. 142).

In tune with Diamond (1999), I argue that if not fixed, these problems could be perpetuated for years to come, diminishing the quality and legitimacy of democracy. Skidmore (1999) has suggested that Brazilian traditional politics of elitism and patronage is deeply rooted in the system. O'Donnell (1993; 1994) argues that some countries in Latin America will need a "second transition" in order to overcome these barriers.

In Brazil, after twenty years of democracy, the rule of law is still highly ineffective, and an unfair and dual democratic system is currently in place. Consequently, it is nearly impossible to precisely classify the current democratic system in Brazil. Is it an electoral democracy, in which citizens compete for governmental positions through a fair system and significant levels of freedom, such as freedom of press, speech, assembly, or organization (Diamond, 1999)? Is it a pseudodemocracy, which has the traits of a democratic regime (allowing multiple political parties to exist), but lacks an open arena for contestation, making it hard for the ruling party to be voted out of power (Diamond, 1999)? Or is it a delegative democracy, in which the executive governs the state with almost no horizontal accountability (O'Donnell, 1994)?

Such questions are important because social scientists have extensively debated whether human security is associated with regime type (Navia and Zweifel, 2003). When it comes to questions relating to the role of rule of law, Weber (1946) defines a modern state as having a monopoly over the legitimate use of physical force. However, Stepan (1988) asserts that constraining the use of violence and force by the state has been difficult for some established democracies and it has been even more difficult for the newer democracies as there are disagreements over the appropriate use of violence by democratic states.

Finally, it will be also important to analyze if the Brazilian military has come under full control of the new civilian leadership and whether the military has completely relinquished its role as the moderating power. And if not, what are the implications for the legitimacy of the system?

1.2. Literature Review

Events worldwide have taught us that the mere establishment of a political democracy in any country is not sufficient to guarantee human security (Caldeira, 1999; Pinheiro, 1999; Diamond, 1999). For a variety of reasons we expect that nondemocratic systems would rank lower in promoting human security. However, we have also seen that democratic transitions do not always guarantee human security. As first brought to international attention in the United Nations Development Programme's (UNDP) 1994 *Human Development Report*, the definition of human security embraces seven critical areas: economic, food, health, environmental, personal, community, and political security (UNDP, 1994). The development of political institutions, gender and race equality, and falling levels of corruption, inflation, and unemployment rates are also measures of human security (Nef, 1999).

When looking at other aspects of human security, it is also expected that Brazil will have experienced some improvements since the end of the dictatorship. A discussion of Brazil's progress in terms of the full range of human security would be beyond the scope of this thesis. However, over the last two decades there seems to be fewer doubts regarding the effectiveness of democracies at promoting higher literacy rates, longer longevity, and reducing the gap between the rich and the poor. According to the 2007-

2008 report by the United Nations Development Programme, of the 70 countries listed as “high” under human development an overwhelming majority were democracies.

Standards of living are relatively higher in democracies and the gap between the rich and the poor is smaller in democracies (UNDP). According to Amartya Sen, since democratic leaders are more accountable to their citizens, there is a greater need to improve and promote a higher quality of life. Similarly, there are also greater consequences when democracies fail to deliver (e.g., return to authoritarian or populist rule) (1999).

The partial improvement in some areas of human security can be attributed to the way that the democratic system was restored in Brazil. Democracy was imposed in a rushed manner during the military’s final years in power, despite the slow process of political opening from 1974-1985. Much of the authoritarian structure has not been fully dismantled, perpetuating a “legacy of continuity” (Pineiro, 1999, p. 5).

Historically, the continuation of authoritarianism is not an unusual trend in Brazilian politics, where the transitional process tends to be very slow, lacking major changes in the status quo since the elites and the military fiercely try to reach compromises. For instance, this occurred during the independence process. For many years, Brazilian elites tried to buy their independence from the Portuguese crown, finally reaching an agreement and becoming independent in 1822 (Fausto, 1999). The same trend occurred during the transition in the mid 1980s. Only after many rounds of negotiations and unconditional guarantees (e.g., immunity from prosecution) did the armed forces agree to cede power.

Diamond (1999) highlights the difficulty and importance of adapting institutions to the new democratic system from the very earliest stages. Failure to fully dismantle

authoritarianism will lessen the quality of democracy as “birth defects” will hinder the development of a sound democracy (Diamond, 2001). Diamond (2001) also points to problems new democracies (such as Iraq) face that are associated with problems in democratic design (e.g., lacking a strong rule of law and centralized authority) that will affect their ability to achieve consolidation.

In Brazil, this legacy of authoritarianism can be traced back to the country’s early colonial days. For instance, Brazil was a Portuguese colony from 1500 to 1822 and a system of authoritarian rule based on patronage perpetuated and evolved over the centuries (Fausto, 1999). Levine (1999) argues that historically, Portuguese and Brazilian elites embraced the ideas of an Aristotelian state, where order was achieved by respecting a social hierarchy. Following this model, the elites maintained the status quo as they alternated in power throughout most of Brazil’s history (Skidmore, 1999). This alternation of power in the country contributed to the development of a highly elitist system that is still deeply rooted in contemporary Brazilian politics, impeding the country’s democracy from flourishing (Skidmore, 1999).

For instance, during the Imperial government (1822-1889), the Vargas era (1930-1945), and the military dictatorship of 1964-1985, the central government played the dominant policymaking role. The central government also enjoyed a great deal of authority and often imposed policy, despite resistance encountered by some provinces and regional oligarchs (Fausto, 1999).

On the other hand, during the colonial period (1500-1822), the First Republic (1889-1930), and (to some extent) during the first experiment with democracy (1945-1964), the process of policymaking became more decentralized. This shift of power

occurred due to the Constitution of 1891, which enabled the provinces (now states) to become more autonomous from the central government and to pursue a more independent agenda (Fausto, 1999). In addition, it was also during the First Republic that Brazil's regional oligarchs took a leading role in national politics, initiating the country's famous political period known as "*café com leite*" (coffee with milk). Under this system, the coffee landowners from the state of São Paulo and milk producers from the state of Minas Gerais alternated the presidency of Brazil for over two decades (Fausto, 1999, p.160). Although this pattern is not the focus of this thesis, it is important to be aware that whether power was centralized or decentralized, switching back from the central government to the regional elites, the country's old politics of elitism and clientelism perpetuated over the centuries.

Table 1.1: Brazil's Historical Hierarchical System

Period	Dominant Institution	Policy Impact
Colonial Years (1500-1822)	Portuguese Crown	Decentralized- the King empowered the <i>captaincies</i> *.
Imperial Years (1822-1889)	Emperor	Centralized- the Constitution of 1824 equipped the emperor with arbitrary powers, including control over the army and the national guard.
Republic Years (1889-1930)	Oligarchies (landowners)	Decentralized- Constitution of 1891 gave autonomy to states but the federal government was not completely powerless. In addition, the president was greatly increased and the military had a significant moderating role. Three states (São Paulo, Minas Gerais, and Rio Grande do Sul) dominated Brazil's politics, known as <i>Café com</i>

		<i>Leite.</i>
Vargas Years (1930-1945) <i>Estado Novo</i> (1937-1945)	Executive and Military Vargas' Dictatorship, Military, and Industrial Bourgeoisie	Centralized- President Vargas rose to power and stayed in power with the support of the military. Throughout his presidency, the military gained significant strength. Very Centralized- with the threat of communism and fascism, Vargas supported by the military and ruling classes staged a coup within the state.
First Democracy (1945-1964)	Military, Liberal Opposition, and Executive	Somewhat Centralized- the Constitution of 1946 defined Brazil as a Federal Republic with a presidential system.
Military Dictatorship (1964-1985)	Armed Forces and Technocrats	Very Centralized- through the <i>Atos Institucionais</i> (Institutional Acts) the military Brazil's society. On the economic and political arena, the military employed technocrats and old elites to assist them.

Note. Adapted from *A Concise History of Brazil*, B. Fausto, 1999; *Brazil- Five Centuries of Change*, T. E. Skidmore, 1999; *The History of Brazil*, R. Levine, 1999.

* King Dom Joao III distributed 14 captaincies (large plots of land) among 12 *donatários* (Portuguese elites and loyal friends), which they had to pay annual tribute to the Portuguese Crown.

In this struggle for power, Skidmore (1999) highlights the crucial role of the so-called Brazilian “moderating power” (p. 40). Skidmore (1999) employs the term to describe the “monarch’s position as the balance wheel of government” (p. 47). Stepan (1971) suggests that this “*poder moderador*” (moderating power) can be specific applied to Brazil’s case, where the emperor possessed a “constitutional” authority to intervene and solve a political conflict whenever there was a “deadlock” of political crisis (p. 65).

The emperor’s moderating power was strengthened with the Constitution of 1824, which mandated that Brazil was to have a bicameral parliament (the Senate and

Lower Chamber). In addition, the emperor was given enormous power, including rights to appoint lifetime senators, to suspend the Lower Chamber, and to veto any resolution approved by both Houses. The senators, on the other hand, held the power to appoint the members of the Lower Chamber. As a result, by manipulating the system, the emperor perpetuated his powers by keeping this cycle going through the empowerment of his inner circle. Skidmore's (1999) term of moderating power describes the emperor's "inherent responsibility to act as the final judge and arbiter in vital matters of state" (p. 40). In Brazil's context, even after gaining independence from Portugal, the new king (born in Portugal) continued to play the deciding role in state affairs (1999).

Stepan expanded the concept of the moderating power to include the military, as suggested by Stepan (1971). In Brazil, the military has played a significant role in social, economic, and political life and has often times acted as the "balance wheel" of government's affairs (1971, p.46). In addition, their support often determined which group was going to be in full control of national politics. Stepan (1971) proposes that the military assumed this moderating power role with the fall of the empire (1889) and in 1964, when they assumed full control of the country, they were no longer the moderating power but the supreme power.

When looking specifically at Brazil, the military's role as a moderating power revolves around the perception of the civilians' views of the role of the armed forces in society. Much of the military's success is based on broad civilian support. For example, prior to 1964, the military often deposed the executive without the intent of assuming power (Stepan, 1971). In some instances, including 1930, 1945, 1954, and 1961, the military has even intervened with coup d'états (in some cases was supported by the elites

and middle class), but never stayed in power (Skidmore, 1999). Interestingly, the military has historically perceived itself as being the savior of the country and considered its intervention necessary to keep the people from falling into chaos, but until 1964, its stay was always temporary (Levine, 1999).

Thus, civil-military relations in Brazil are a paradox, contradicting one of the fundamental pillars of a liberal democracy, the subordination of the military to full civilian rule (Diamond, 1999; Stepan, 1971). Azevedo (2006) argues that since the second transition in 1985, “authoritarian continuity” is still prevalent in the country’s politics, especially when it comes to public security, in which one branch of the police, the military police, continues to be hierarchically structured based on the armed forces’ model (p. 7). Pinheiro (1998) blames the shortcoming on the new Constitution of 1988, which failed to demilitarize the structure of the Brazilian police, allowing the jurisdiction of the military police to continue to be under the armed forces’ authority (p. 25).

In many emerging democracies where the rule of law is still inefficient and outdated, the population will continue to have their civil and human rights systematically violated by state and nonstate actors since the mechanisms to protect them are ineffective. This phenomenon has been labeled as “disjunctive” democracies, where the development of citizenship is not distributed evenly among all citizens (Caldeira and Holston, 1999, p. 692). This is what is happening in Brazil, where millions continue to live in a “culture of fear and suspicion” (Caldeira and Holston, 1999, p. 694).

O’Donnell (1993) points out that such democracies possess low-intensity citizenship or incomplete citizenship, where large segments of the population do not believe that the judicial system can be delivered to them. As a result, this can seriously

threaten the legitimacy of the democratic system in Brazil as the population loses faith in the judiciary by doubting the effectiveness and efficiency of the criminal justice system, seriously implicating the consolidation process (2000).

As O'Donnell (2004) highlights, the establishment of an effective rule of law is associated with liberal democracies, which guarantee the protection of civil liberties, political rights, and the promotion of political equality for all citizens through accountability mechanisms. Thus, in this study the rule of law is based on O'Donnell's (2004) "*estado de derecho*,"² or state of laws (p. 36). In a democratic state, the citizens ought to envisage and perceive the rule of law beyond the traits of the legal system and how the courts perform. It is equally important for the population to believe that the rule of law is democratic (O'Donnell, 2004). According to O'Donnell (2004), must fulfill three conditions to achieve a level of a "democratic rule of law:"

"1) It upholds the political rights, freedoms, and guarantees of a democratic regimes (sic); 2) it upholds the civil rights of the whole population; and 3) it establishes networks of responsibility and accountability which entail that all public and private agents, including the highest state officials, are subject to appropriate, legally established controls on the lawfulness of their acts." (p. 36)

Rustow (1970) observed that countries transitioning from authoritarian regimes to a democratic system are expected to go through an increase of violence. Has Brazil's transition to democracy been associated with increasing rates of violent crime, and if so, why would we see democratization associated with a decline in human rights

² O'Donnell uses the term to mean any regime that strictly applies the rule of law to govern.

performance? Is there a relationship between the country's old politics (of clientelism and patronage) and its current dysfunctional democratic system?

Social scientists have long argued that democracies ensure greater protection of human rights. This view is based on six assumptions. First, because they are accountable, leaders are more likely to respond to citizens' demands. Second, democracies allow citizens to resolve conflicts in diplomatic ways (Henderson, 1991). Third, in democracies, the system enables the citizens to remove politicians that use violence against the population (Poe and Tate, 1994). Fourth, people living in democracies are socialized to settle disputes peacefully (Mitchell and McCormick, 1988). Fifth, the media use publicity to keep the government human rights record in check (Sen, 1999; Poe and Tate, 1994). Lastly, civil society can develop channels to monitor the monopoly of the state's use of force (Chevigny, 1995). However, reality has not always lived up to expectations.

Mitchell and Wood (1999) find in their study a correlation between the increase in violent crimes and the higher levels of impunity. Further, the unequal application of the law and dysfunctional relations between citizens and state actors negatively impact the legitimacy of the rule of law in any country (O'Donnell, 2004, p. 40) and these are all problems in Brazil. For instance, in countries where the judicial system and law enforcement are perceived to be corrupt, unaccountable, and abusive, the support for democracy will decline (Diamond, 1999; O'Donnell, 2004). For these reasons and others it will be interesting to compare two periods in Brazil and to analyze if there is a correlation between Brazil's transition to democracy and an increase of violent crimes,

both politically and nonpolitically motivated. Democracy in Brazil might not consolidate if the new government does not come up with solutions to slow the rise of violent crime.

1.3. Methodology

This analysis of human security and regime type performance in Brazil will be based on a qualitative examination supplemented by quantitative evidence when available. The focus will be on a single case study, Brazil, for the periods of 1964-1985 and 1985-2006. The rule of law is the premise selected and violations of physical integrity are under the main foci.

Since information on violations of physical integrity is still unreliable and hard to obtain for both periods this research is constrained to focus mainly on São Paulo (and to a lesser extent Rio de Janeiro). Also, this thesis was narrowed only to metropolitan areas since records on violations of physical integrity in rural areas were never recorded or destroyed. Lastly, sources originate from literatures and scholarly works as well as from the United Nations, World Bank, *Instituto Brasileiro de Geografia e Estatística* (IBGE), Economic Commission for Latin America and the Caribbean reports.

1.4. Chapter Outline

Chapter one presents some puzzling questions regarding the paradoxes under both regime types and examines a few of the classical arguments concerning which political system best promotes human security. A brief historical political background of Brazil is also included in this chapter as well.

In chapters two and three, violations of physical integrity by state and nonstate actors are compared and contrasted during both regime types. Chapter two further investigates whether the authoritarian structure built during the dictatorship is one of the reasons why the rule of law in Brazil is still dysfunctional since the transition to democracy. Although the focus is on institutional violence committed by state actors, a section highlighting the rise and professionalization of death squads is also provided and whether reforming the Brazilian police during this period had any impact on violations of physical integrity.

The main question of chapter three revolves around the theme of whether violations of physical integrity have increased under the new democratic regime or not. If so, why can't the institutions responsible for maintaining public security reverse this trend?

In chapter four, after examining the empirical evidence and literature on violations of physical integrity this study compares and contrasts these abuses. This chapter also explores whether the structure of the police, the continuation of Brazil's old politics of clientelism and patronage, and military influence in the country's politics and security apparatus prevents the Brazilian leadership from developing a sound democracy and rule of law. Finally, chapter five presents the conclusion along with further suggestions for future research on human security.

2. The Rule of Law in Authoritarian Brazil

This chapter examines the rule of law in Brazil by analyzing one major theme, violations of physical integrity perpetrated by state and nonstate actors during the military dictatorship of 1964-1985. Although the focus is on institutional violence committed by state actors, a section highlighting the rise and professionalization of death squads is provided. There is also an attempt to explore whether reforming the Brazilian police during this period had any impact on violations of physical integrity.

The one state institution most directly responsible for maintaining public security is the police. Historically, the Brazilian police have played a major role in institutional violence, most notably violations of physical integrity. In this thesis, what is meant by “physical integrity” is based on Ronald Ahnen’s (1999) definition: “freedom from torture, disappearance and extrajudicial killings” (p. 142). Whether these violations were politically motivated or not, one of the main purposes of this section is to find out if human rights violations increased under the military dictatorship. Also, there will be an attempt to assess if there is any relationship between human rights violations and the military dictatorship. Historically, evidence illustrates that in most parts of Brazil, there has been a correlation between higher levels of violations of physical integrity, authoritarian regime types, and popular support towards arbitrary practices committed by state and nonstate agents (Fausto, 1999; Levine, 1999; Skidmore, 1999). The involvement of death squads in committing violations of physical integrity, and how much control the armed forces had over some of these squads, is also analyzed. This is observed during twenty one years of military rule (1964-85) and divided into three

distinct periods: the Coup and Stabilization (1964-1967), *Linha Dura* (1968-1973), and *Distensão* and *Abertura* (1974-1985).

This issue of the violations of physical integrity by state and nonstate agents is not a recent phenomenon in Brazil (Pinheiro, 1998). It dates back to the colonial days, and it has been part of Brazil's social fabric (Rose, 2005). Dimenstein (1996) argues that prior to the creation of the Universal Declaration of Human Rights (UDHR) in 1948, human rights violations in Brazil were overtly committed, since the population lacked knowledge of their human rights protections. Articles 3 and 5 of the UDHR state that "everyone has the right to life, liberty and security of person," and "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" (UDHR, 1948). Before 1985, human rights in Brazil were much neglected by the government. Negotiations about international monitoring did not begin until the 1970s, and that was only after increasing international pressure (Pinheiro, 1999). International law urges states to play a major role in securing the human rights of its citizens (Pinheiro, 1998)—what Pinheiro (2000) classifies as *defensor pacis* or defendor of peace, where the state should be the primary body to ensure peace.

The end of the military dictatorship in 1985 allowed the development of a more independent media, forcing institutional violence, and its perpetrators, to act more covertly. This study assumes that regime types, and civil society, can have a great impact on violations of physical integrity. It will show how this is reflected in Brazilian society. Furthermore, it is my assumption that any attempt to produce an unbiased work on human rights violations in Brazil must not exclude its colonial and imperial periods, which are often mistaken for peaceful times of harmonious interracial relations. A few

contemporary works illustrate the extreme institutional violence against challengers and “other” marginalized classes as myth (Fausto, 1999; Skidmore, 1999).

2.1. A Brief History of Institutional Violence

Since the colonial days, the rule of law in Brazil was mainly used to protect the interests of the elites. Representatives of the Portuguese crown often worked out patron-client deals with local *coronéis* (strong men) and *bandeirantes* (private armies responsible for enslaving the native population). In return for substantial autonomy, the *coronéis* were expected to protect their lands against foreign invasion, suppress the indigenous population, and prevent rebellion against Portuguese authority. On the other hand, the *bandeirantes* were in charge of capturing runaway slaves and native people forced to work in the fields (Fausto, 1999).

The failure of the fifteen *capitanias hereditárias* (large plots of lands in Brazil governed by Portuguese’s aristocracy), due to the threats of invasion by other European powers and internal conflicts, forced the Portuguese crown to become more directly involved with their colony. This required the development of a draconian rule of law to deal more effectively with these threats. For instance, during the 16th and 17th centuries, slavery was widely supported and slave owners constantly utilized torture such as mutilation, whipping, and execution often in public squares as warnings to runaway slaves (Skidmore, 1999).

Up to the late 19th century, uprisings and conspiracies in Brazil broke out occasionally, despite the harsh consequences associated with such acts. However, they did not occur as often as in the Caribbean, where sixty two cases were recorded between

1789 and 1815 (Levine, 1999). In Brazil, some of these uprisings were well organized and were only stopped after major alliances were formed, often times between the military, the national guard, *capitães do mato* (professional slave hunters hired by the oligarchies), and *jagunços* (backland fighters) (Levine, 1999).

Table 2.1: Historical Uprisings in Brazil and State Action

Uprising	Date	Rebels	State and Nonstate Agents	Outcome
Palmares	1607-1695	Slaves and Descendants	Military and <i>Capitães do mato</i>	After resisting for a century, runaway slaves and their descendants were wiped out by a large military mission.
Inconfidência Mineira	1788-1789	Nationalists (composed mainly of aristocrats)	Military and Oligarchies	Public trial in which the leader Tiradentes was decapitated and his head exhibited in the center of the city of Ouro Preto.
Canudos	1890 - 1897	<i>Sertanejes</i> (poor from the northeast region)	Federal Troops and <i>Jagunços</i>	All males at Canudos were killed. The army also suffered a significant loss (5,000 killed out of 12,000 men) and exhibited the leader's head.
Tenentes	1922-1922	Junior Officers	Armed Forces	Most of the junior officers were killed, but the survivors became national heroes.

Note. Adapted from *A Concise History of Brazil*, B. Fausto, 1999; *Brazil- Five Centuries of Change*, T. E. Skidmore, 1999; and *The History of Brazil*, R. Levine, 1999.

One notorious uprising, the *Inconfidência Mineira* (1789), was one of the most famous and bloody revolts in Brazil's history. Its leader, José Joaquim da Silva Xavier (also known as *Tiradentes* or tooth puller), was beheaded and parts of his body were sent all over the city of Ouro Preto as a warning of the harsh consequences for rebelling against the aristocracy (Fausto, 1999). The Portuguese crown and local elites hoped that displaying the head of Tiradentes would deter other dissidents from following his

example. The Inconfedência Mineira was a turning point in the country's history because from there on, nationalists increased pressure against the Portuguese crown for independence.

By the first half of the 20th century, revolutions and rebellions broke out throughout Latin America. According to Martha Huggins, institutional violence became even more centralized and orchestrated by either the executive or the armed forces. In either case, Huggins suggests that both the executive and the military realized the importance of using the police as a means of increasing their control over the population (Huggins, 1998; 2000). There were also changes in terms of who was committing this violence and which social classes were targeted, as illustrated in Table 2.2.

Table 2.2: Institutional Violence in Brazil

Period	Classification of subversives
Colonial Years (1500-1822)	Slaves, indigenous population, foreign invaders and anti colonialists.
Imperial Years (1822-1889)	Runaway slaves and descents and nationalists.
Republic Years (1889-1930)	Foreign invaders, immigrants and national separatists.
Vargas and <i>Estado Novo</i> Years (1930-1945)	Foreign invaders, fascists and communists.
First Democracy (1945-1964)	Communists and labor unionists.
Military Dictatorship (1964-1985)	Communists, middle class (including students), guerrilla groups, Catholic Church, human rights advocates and dissidents.

Note. Adapted from *A Concise History of Brazil*, B. Fausto, 1999.

This shift may have also been prompted by changes in US national security laws, such as the Monroe Doctrine (1823), the creation of the Open Door (1899), and Good Neighbor (1933) (Huggins, 1998, pp. 25-42). The ultimate goal of the US was to keep

foreign powers out of Latin America. This could be accomplished by restructuring local governments throughout Latin America, by supporting “strongman rule” and/or by training the national police forces as a way of maintaining American influence over these countries (1998, pp. 25-42). In Brazil, the US government supported the rule of strongmen, police training, and coups. One example of this is the first Vargas coup in 1929, in which the military assisted in the overthrow of an (admittedly less than democratically) elected government. Another example is the second Vargas coup (a coup within a coup), in which Vargas declared his *Estado Novo* or new state in 1937 (Huggins, 1998). Under the *Estado Novo*, nearly 30,000 people were incarcerated and many of them were victims of politically motivated crimes. *Lei Monstro* (the Monstrous Law), which was passed in 1937, intensified the persecution of political nonconformists and even allowed the police to harass politicians, to arrest journalists, and to deport foreigners suspected of being Marxists (1998).

However, US support for authoritarian rule is only one of the many factors that triggered institutional violence in Brazil. The Brazilian military’s emerging doctrine on national security was highly correlated with increased human rights violations in the country. Another major factor important to analyze (before investigating violations of physical integrity during the military dictatorship of 1964-1985) is the historical role of the Brazilian police and its death squads. This next section examines the structure of the Brazilian police and the rise of death squads during that period.

2.2. The Structure of the Brazilian Police- A Historical Overview

For centuries, Brazilians have continued to debate and disagree over the role of the police. The word “police” has often been related to the idea of preserving order. On the other hand, the word “crime” is usually understood as “out of order” (Chevigny, 1995, p. 10). The police force was instituted and expected to suppress crimes as their main duty (Chevigny, 1995). But what is the definition of police? Or better yet, what is their duty?

Chevigny (1995) contends that in general, many Brazilians believe that the police should perform the following tasks: to act as law enforcement, watchmen, civil servants, and even to take on the role of the military. This confusion and ambiguity about the role of the police in Brazil and in the Americas can be traced back to the imperial days. Until independence and during the empire (1822-1889), Brazil did not have a national police who were responsible for preserving order; the country basically relied on groups of decentralized armies or state militias (serving the interests of their regional oligarchies) to sustain order (Amnesty International, 1972). To some extent, the creation of the National Guard in 1831 brought together the various small private armies in the country under a centralized authority, the emperor. In addition, the oligarchies also saw the need to develop a reliable organization responsible for sustaining public order, repressing the “dangerous classes” (e.g., lower and working classes) and occasionally protecting Brazil’s borders (Fausto, 1999, p. 88).

As mandated by the Constitution of 1824, the National Guard was given the task of intervening and protecting the interests of the emperor whenever in jeopardy (Levine and Crocitti, 1999). However, the National Guard was only established on August 18,

1831, becoming the country's main police force, in charge of keeping internal order in the country, but also ended up suppressing the "socially and economically excluded people" (Reames, 2007, p. 71). Structured differently in each state, the Guard utilized atrocious and discriminatory policies to maintain order. Tension with the army intensified as the National Guard increased in size and influence (2007). This issue was partially resolved during the government of Dom Pedro II (1840-1891), when he reassigned the duties of both institutions. From that point on it became clear that the National Guard was primarily involved with preserving order and protecting the interest of the elites. On the other hand, the army was in charge of border protection, maintaining national stability and mediating disputes (Fausto, 1999; Reames, 2007).

The ascension of Dom Pedro II to the throne brought new reforms to the National Guard, as he wished to centralize and professionalize Brazil's security apparatus. In the major cities, the Ministry of Justice (appointed by the emperor) selected the police chief, while in the smaller cities, deputies and subdeputies were appointed by the ministries as well. These law enforcement officials had the duty of preserving the peace by conducting investigations, then trying and convicting individuals (Fausto, 1999). Reames (2007) suggests that perhaps this structure continued to the later organizational development of the Brazilian police, including the implementation of the military and civil police during the dictatorship of 1964. For instance, when the Brazilian police was restructured in 1964, the military police were assigned to perform a similar role exercised by the National Guard during the imperial period: crime prevention. On the other hand, the duty of the chief of police, deputies and subdeputies of the imperial period was similar to those of the civil police in 1964: investigation (2007).

The Constitution of 1891, which was drafted soon after the end of imperial Brazil (1822-1889), transformed Brazil into a federative republic and greatly increased the power of the states. New laws also allowed states to constitute their own public forces, *Forças Públicas* or brigades, creating incentives for some of the major states, such as São Paulo, Rio Grande do Sul and Minas Gerais to invest heavily in these institutions (Bicudo, 2000). During this time, the power of state governors grew substantially, as some of the major states' brigades grew in size and were upgraded. This constitutional change decreased the control and influence of the central government upon states' police. Regional and local oligarchies were also affected by this change, as the power of the governor was strengthened. This was crucial to the development of Brazil's federative system, as states were granted greater power to implement policies without interference from the federal government. These changes challenged the nature of clientelism in Brazil (Bicudo, 2000; Holloway, 1993).

In 1906, upon the invitation of Governor Tibiriçá, a French military expedition arrived in São Paulo to start training the state police. According to Neto (1993) and Holloway (1993), this marked the beginning of Brazil's professional police. Tibiriçá believed that a strong *Força Pública* would enable him to better protect the state of São Paulo from the federal government's interference. Also, it would allow the governor to break away from the historical stranglehold exercised by the regional oligarchies over the states' affairs and to better deal with labor turmoil (Love, 1980).

However, as training went into effect, and the São Paulo state police gained strength, concerns from the federal government arose suggesting that a stronger state police might trigger a practice of "imperialism by the states" or result in the "Prussia of

Brazil” (Fernandes, 1974, p. 161). For instance, in 1891, São Paulo’s brigade was established with a force of nearly 4,000 active men, increasing to 5,000 in 1908 and reaching 14,000 in the 1920s. Such an increase resulted in the São Paulo state forces outnumbering by almost three to one the number of the Brazilian army officers stationed in São Paulo, with only 5,000 men (Love, 1980; McCann, 1977). Aside from the São Paulo state force, in 1926, the state civil guard was also established, in charge of conducting “ostensive policing” (Reames, 2007, p. 72). By 1964, São Paulo’s civil guard numbered 15,000 men (2007, p. 72).

The federal government’s suspicion toward the state of São Paulo continued throughout much of the early and mid 20th century. The national government’s main concern was whether the loyalty of the members of the *Forças Públicas* was to Brazil or to the state of São Paulo (Love, 1980; Huggins, 1998). This issue, and ambiguity over who controls the police, whether it is the military, the federal and state government, continues to be unsolved to this day, and it only contributes to increasing competition between the armed forces, the federal and state governments.

2.3. The Beginning of Authoritarian Rule (1964)

After ousting President Goulart, the armed forces pledged to prevent the spread of communism and to punish corrupt governmental officials (Huggins, 1998). To achieve this goal, the military passed the first Institutional Act (IA-1) in 1964. The act gave the new president, General Humberto de Alencar Castelo Branco (1964-1967), enormous power, including the right to temporarily suspend Congress, to force retirement upon

military officers allied to the former regime, and to purge politicians, professors and labor unionists of their political rights (Skidmore, 1967).

By manipulating the system through creating seventeen Institutional Acts (See Table 2.3) and issuing national security laws, the military was able to rapidly consolidate its power (Huggins, 2000). When compared to preceding military takeovers, the coup of 1964 was unique. In previous coups, the military did not rule the country independently and often welcomed and engaged other parties (e.g., oligarchies) in the political and economic process. Also, throughout Brazil’s history, the military only stayed in power for short periods of time. With this new coup, the generals took control with the intent of governing Brazil on its own and staying in power indefinitely (Stepan, 1971).

Table 2.3: Brazil’s Most Prominent Institutional Acts

Institutional Act	Regime:	Effective Date	Impacts
IA-1	Castelo Branco	April 1964	Stripped over 40,000 Brazilians of their political rights.
IA-2	Castelo Branco	October 1965	Eliminated all political parties except for two: ARENA and the MDB.
IA-3	Castelo Branco	February 1966	Gubernatorial elections became indirect.
IA-5	Costa e Silva	December 1969	Congress put into recess; 69 politicians stripped of their political rights. Abolition of habeas corpus for crimes committed against national security.

Note. Adapted from *Brazil Nunca Mais*, 1985.

2.4. Structure of the Brazilian Police During the Coup and Stabilization (1964-1967)

According to Bicudo, the coup of 1964 was a blessing in disguise (2000). By centralizing and unifying the police in Brazil, the military resolved the growing tension and the federal government's suspicion about towards the states' police training programs. However, this coup created an authoritarian structure that was, and still is, hard to dismantle. Even today, this authoritarian structure affects the process of democratic consolidation. This section will analyze the restructuring of the Brazilian police system by the military dictatorship of 1964-1985 and its impact on violations of physical integrity throughout the country.

In late March of 1964, the armed forces took over some of the main governmental offices in the major Brazilian cities and arrested President Goulart's key allies. Goulart's unsuccessful measures to rescue an inherited economy in crisis, his promises of land reforms, and his nationalization of private oil refineries spurred wide national dissatisfaction. He was accused by right wing groups of being "anti-Christian" and "anti-family" (Skidmore, 1999, p. 155). Such characterizations, combined with Goulart's unpopular policies enabled the military to build up popular support within all three branches of the armed forces and plan for a coup (1999).

During the first few days of the coup, the military dictatorship quickly consolidated its power, leaving Goulart with no option but to go into exile in Uruguay. Unlike many Latin American military regimes, the Brazilian military had consistently maintained a "strong legalist streak" (Skidmore, 1999, p. 160). Since he was never impeached by Congress, the military had no legal basis for overthrowing President Goulart. Consequently, weeks after the coup of 1964, the military was seeking legal

measures to legitimize their acts. The solution came when three military officers in charge of temporarily administering the coup issued the first Institutional Act. The laws greatly increased the executive power, enabling the president to remove the political rights of ordinary citizens and impose constitutional amendments (1999, p. 160).

The first phase of Brazilian military rule can be described as chaotic, paradoxical, and violent. During the first few years of the coup, the police in Brazil assisted the military in gathering and sharing information with the military intelligence units and were directly involved in some of the capture and interrogation operations. By 1966, torture rooms were often found in many police stations in Rio de Janeiro (Rose, 2005). In the late 1960s, the military came to the consensus that due to the lack of experience in dealing with internal uprisings, they needed to work closely with some of the states' police units. For instance, in São Paulo, the armed forces began working closely with the *Delagacia de Ordem Política e Social* (DOPS), a well experienced organization accustomed to dealing and suppressing political, social, and urban groups (Huggins, 2000).

In Brazil, unlike other countries in the region, it was the police who played a much greater role in the torturing of suspects during the entire military dictatorship of 1964 (Huggins, 2000). This contradicts scholars who blame “exclusively” the military for committing institutional violence during military dictatorships throughout Latin America (Huggins, 2000). In fact, Fon argues the role of the police was essential in helping the Brazilian military to contain an emerging opposition, since the armed forces lacked preparedness to stop urban uprisings (1979).

During the first phase of military rule, it is important to point out that many of the political demonstrations were mainly organized by students and the Catholic Church. They did not pose a real threat to the military rule. On the other hand, I would argue that the military used such demonstrations as real threats to the national security of the country as an excuse to increase control over Brazil's society. Scholars argue that the first armed group in the country was only created in 1968, the Action for National Liberation (ANL), led by Carlos Marighella (Fausto, 1999; Skidmore, 1999). From then on, a dozen groups emerged in the country, but ironically and unlike many guerrilla groups in Central America, the Brazilian groups were never fully organized, united, and never came close to seizing power.

2.5. Structure of the Brazilian Police During the *Linha Dura* (1968-1973)

Faced with an emerging threat of internal guerillas, which the military considered real, the dictatorship decided they not only needed to collaborate with state police units, but they also needed to bring all state police under their authority. The rationale of the generals was that these reforms would allow them to deal more effectively with their enemies. By the late 1960s, the military decided to centralize the national police hoping to better control the country's security apparatus, therefore contributing to a more effective system of collecting and sharing information among the intelligence community.

With the establishment of the fifth Institutional Act, in 1968, the military dismantled Congress and implemented the "Police Organic Law" of 1969 (Huggins, 1998, p. 130). Law 667 (Bicudo, 2000), Law 337, and Decree 1,072 transferred the

states' authority over the police to the armed forces, enabling the military to control Brazil's police in a more predictable and centralized manner (Huggins, 1998, p.130). Also, in the same year, the military enacted Decree 1,001, declaring that crimes perpetrated by "military bodies" (i.e. military police) are military offenses and thus should be tried by military courts (Caldeira, 1999, p. 701). These reforms changed the nature of the federative system in Brazil by ending the states control over their own security forces (2000). Prior to the coup, the state, municipal, and local police, or the so called *Forças Públicas or brigadas*, had a great deal of autonomy from the federal government (Bicudo, 2000).

Bicudo highlights that with the new measures, the police force was divided into two main units: a uniformed *polícia militar* (military police), responsible for crime prevention and maintenance of order, and a plain-clothed force, *polícia civil* (civil police), in charge of post crime investigations (2000). There was also the establishment of the *polícia federal* (federal police), similar to the Federal Bureau of Investigation (FBI) in the United States, combating mainly organized crime (Clark, 2008). The intent of this reform was to increase military control over the population by practicing preventive policing (Huggins, 2000).

In addition, the military created new departments and intelligence units within the military police, civil police, and the armed forces. Lacking experience and anticipating the growth of possibly well organized armed urban guerrilla groups, the military needed accurate and rapid information to stop these groups. As a result, this gave rise to some of Brazil's notorious specialized groups and operations, such as the *Serviço Nacional de Segurança* (SNI), *Delagacia Estadual de Investigações Criminais* (DEIC), *Grupo de*

Operações Especiais, *Operação Bandeirantes* (OBAN), and *Delegacia de Ordem Política e Social* (DOPS). OBAN was an experimental operation with the aim of distributing intelligence reports among all the security forces in the state of São Paulo in a coordinated and speedy way (Huggins, 2000). Claiming that it needed to increase its efficiency and to contain guerrilla groups and political dissidents, the military ignored the criticisms from Non-governmental organizations (NGOs), foreign governments, and human rights groups and expanded OBAN nationwide (with the help of CIA training) (Huggins, 2002). Similar to OBAN, the Defense and Operations Directorate (DOI/CODI), was a national system integrating among the armed forces, the military police and civil police. Under the DOI/CODI, Brazil was divided into regional blocks or national security zones, enabling the military to detain suspects more easily. Each zone possessed at least one CODI team (responsible for gathering intelligence and formulating plans) and one DOI team. Each squad under DOI was divided into four groups, each one devoted to a specific task: information, hunt and capture, interrogation, and elimination.³

Along with the help of the international community, Brazilian human rights advocates began to mount evidence against the military dictatorship, which eventually forced the generals to return power to a civilian rule. In 1969, the International Commission of Jurists revealed that nearly twelve thousand political prisoners were being held in Brazil. These findings severely damaged the military's image in the US. As mentioned earlier, part of the US policy was to assist the Brazilian government to train the national police. Therefore, the media started to question how much involvement the US government, through the US Office of Public Safety (OPS), had with the Brazilian

³ Indicative of its reputation as Brazil's most brutal internal security organ, Huggins links the Portuguese word *doi*, which means pain, to the DOI/CODI units (2000, p. 60).

police training program (Huggins, 1998). Senator Frank Church (D-Idaho) even opened an investigation in the US Senate Committee on Foreign Relations to investigate these police training programs (CFR, 1971a). In 1972, after the Committee's first report, the OPS decided to completely end its involvement with the Brazilian police.⁴ Nonetheless, by that time, the OPS/CIA had already spent over \$10 million in Brazil, including the training of over 100,000 Brazilian police officers (Huggins, 1998).

By the early 1970s, the armed forces decided to increase the number of military police, while simultaneously decreasing the number of civil police in the neighborhoods of the major cities of Brazil. However, the lack of appropriate training of the military police to patrol neighborhoods on a daily basis contributed to an increase in institutional violence, especially police killings, during the 1970s (Barcelos, 1992). Despite the increased presence of the ill trained military police, what other factors may have contributed to the rising number of violations of physical integrity during this period?

One of the reasons for increased human rights abuses during this period can be attributed to the inadequate police training. When the Brazilian military trained the new police, the same methods used to train an army soldier to fight a conventional war were taught at the police precincts. Such methods proved to be at best inept when dealing with student demonstrations and preventive policing (Pineiro, 1991).

For instance, the creation of "specialized mobile shock units," such as the *Rondas Ostensivas Tobias de Aguiar* (ROTA) in 1972, was designed to help the military police to prevent bank robbery, a trend that increased during the 1960s and 1970s (Pineiro, 1991). ROTA was organized in groups of four patrol cars, composed of men with heavy

⁴ OPS was the "institutional cover" of the CIA to overtly train national police in Latin American countries (Maechilng, 1986).

armament. The unit soon became known as the “vanguard of political repression of the military government” (Pinheiro, 1991, p. 169). ROTA’s high record of civilian casualties in the poorer neighborhoods of São Paulo illustrates the inadequacy of the military police training to conduct daily basis patrolling duties in neighborhoods (Barcellos, 1992).

This next section continues to look at the impact of the new structure of the Brazilian police over institutional violence during the last phase of the military dictatorship (1974-1985). It is important to notice that despite the fact that this period marks the transition from military to civilian rule, and despite increased monitoring of the international community, the incidents of violations of physical integrity remained high.

2.6. Structure of the Brazilian Police During the *Distensão* and *Abertura* (1974-1985)

During the final years of military rule, guerrilla groups such as the ALN had been virtually wiped out and no longer posed a real threat to the national security of the country (Fausto, 1999; Skidmore, 1999). With no imminent threats, the military elites increasingly started to focus their attention on negotiations relating to amnesty and transferring of power to civilian rule. Also, as part of the transitioning process, the military slowly started to give up control over the state police. Governors, regional oligarchies, and chiefs of police sought this opportunity to increase their power and redefine the state police policies and agendas once again.

With less interference from the armed forces, and hardly any political enemies or guerrilla groups to fight, the police reverted to their traditional practice of protecting the interests of the upper classes while repressing the lower classes. As a result, between 1973 and 1975, the military police opened fire over 100 times on groups of adolescents in

the poorer neighborhoods of São Paulo. Looking at a broader picture, between 1970 and 1975, nearly 275 people were killed by São Paulo's military police during street uprisings. This makes the number of police killings, in five years, in São Paulo alone, higher than the 269 killed by the armed forces and civil police in the whole country during twenty one years of military dictatorship (Barcelos, 1992).

Huggins (1998) notes that by mid-1975, violations of physical integrity were so prevalent that it was hard to find a Brazilian who had not experienced, directly or indirectly, some type of torture by Brazil's state and nonstate agents. Illegal arrests were widespread. In Rio de Janeiro, the military police detained 160,000 people in 1977, and nearly 140,000 of these cases never reached the courts. In some instances, victims were held for over three years and then they were simply released, demonstrating the lack of rule of law during this period (*Brasil Nunca Mais*, 1985). For instance, the *Centro de Estudios Legales y Sociales* (Center for Legal and Social Studies) contends that in the first few months of 1981, over 62,000 people were arrested just to be interrogated (1991).

Human rights violations continued throughout much of the 1980s. According to the newspaper *Gleaner* (1986), ROTA alone assassinated 129 people in São Paulo during the first nine months of 1981. During these final years of military rule, the regime was weakened by many external and internal factors: the decision of the OPS/CIA to withdraw military assistance to the Brazilian police training program, the lack of a clear plan by the military to reverse the economic decline of the late 1970s, and internal disputes among all three branches of the armed forces. All of this alarmed the generals, signaling that it was time to return to the barracks. According to Stepan (1988), what really motivated the military to return power to civilian rule was the increasing

apprehension of the general population's perception toward the military's ability to govern the country. The image of the military deteriorated even further with the increase in the numbers of extrajudicial killings throughout the late 1970s and early 1980s. The international community and human right activists placed the blame on the military government for many of these crimes; however, most murders were committed by the police and death squads acting independently, without the consent of the military, who had lost much of the control over the state police. The emergence of death squads seems to be associated with the increase of violent crime during the military dictatorship of 1964. Therefore, this next section traces the roots of death squads in the country and their role of violating human rights.

2.7. Death Squads in Brazil

According to Bruce Campbell (2000), death squads are “clandestine and usually irregular organizations often paramilitary in nature, which carry out extrajudicial executions and other violent acts against clearly defined individuals or groups of people” (Campbell, 2000, p. 2). In other words, they perpetrate “extrajudicial murder and other extrajudicial acts” (2000, p. 2). In many cases, death squads operate covertly while receiving overt support from government agencies and elites. Reames (2007) categorizes death squads into two groups: informal squads and organized squads. Informal squads are composed of off-duty cops who perpetrate vigilante assassinations, usually undercover at night to avoid traceability. On the other hand, organized squads consisted of on-duty cops. Their arbitrary arrests and killings can be done during daylight, and publicly, and explained as proper police actions (Reames, 2007).

Death squads are often mistakenly associated with vigilante groups; however, it is important to point out some differences. Vigilante groups, composed of police (working second shifts) and/or nonpolice members, usually operate on a local basis and target ordinary citizens. On the other hand, death squads act on a much larger scale, and sometimes they not only engage private individuals but governmental figures as well. These groups often target those who are perceived as posing a threat to their own interests or the interests of the elites. It is also important to distinguish death squads from terrorist groups. While the latter utilize fear, more often with the threat of murder to achieve their objectives, actual assassination is the main goal for death squads (Campbell, 2000).

In Brazil, death squads can be traced back all the way to the colonial days. As discussed in chapter one, the *bandeirantes*' expeditions best illustrate the practice of taking people against their will, forcing the natives to perform slave labor or face death. Also, mentioned earlier, the *capitães do mato* is another example of death squads during colonial Brazil. They were professional slave hunters who would go after runaway slaves to capture or kill them. During much of the 19th and 20th century, the elites hired *justiceiros* to protect their interests and eliminate any threats. Some scholars argue that the history of modern death squads stems from the late 1950s (Campbell, 2000; Huggins, 1998; Rose, 2005).

In the late 1950s, Amauri Kruehl, an army general and chief of Rio de Janeiro's state police forces, was under heavy pressure to stop the high levels of robbery and theft in the city. These crimes were greatly affecting local businesses. Kruehl empowered his district chief of police, Cecil de Macedo Borer, to pick a group of police officers to work

for the civil police inspector, Milton Le Cocq de Oliveira. This specialized crew, a motorized patrol group or *Esquadrão Motorizada* (EM), had an “explicit mandate to kill dangerous criminals on its own initiative” (Huggins, 2000).

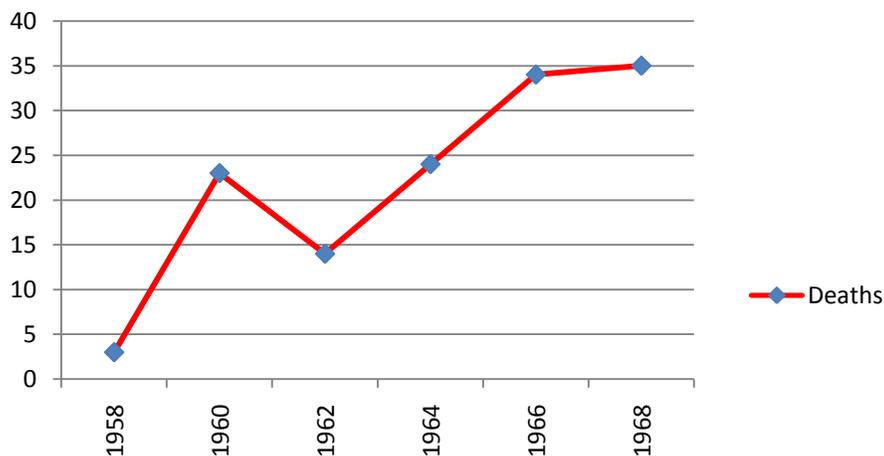
Aside from their daily duties, Krueel also assigned a separate group that acted while off-duty, receiving remuneration from justice officials and local businesses. Soon after, the *Turma da Pesada*, or “hardcore group,” started to kill people in the slums of Rio de Janeiro and leaving marks stamped into their bodies saying, “I was a thief,” or “I sold drugs,” and signed “EM” (Huggins, 2000, p. 208).

In 1964, after Le Cocq was assassinated by a local criminal, *Cara de Cavalo* (Horse Face), his friends created the “*Scuderie Le Cocq*,” (Le Cocq’s Shield), a “philanthropic” group consisting of police officers promising to eliminate criminals and to take care of the families of those cops killed in action. Soon after, the organization spread to other parts of the state of Rio de Janeiro, where members pledged to kill ten criminals for every police officer assassinated. The group continued to operate until the 1990s (Rose, 2005).

According to *Veja* (1970) by 1969, Krueel’s men were killing at least one person per week. Their reputation earned Krueel’s team the nickname of *esquadrão da morte* (death squadron). *Esquadrão da morte* marked the beginning of Brazil’s informal death squad groups. They were centralized and linked to national security institutions such as DOPS (Huggins, 2000). Rather than being only “personal and traditional” as they had been in the past, under the dictatorship death squads were formally made part of the security apparatus (Campbell, 2000).

In other places in the state of Rio de Janeiro and Guanabara state, following the example of the *esquadrão da morte*, death squads started to emerge. Between 1968 and the beginning of the 1970s, over 1,000 murders were believed to be committed by death squads in Rio de Janeiro (Amnesty International, 1972; Alves, 2005). According to the newspaper *O Dia*, during the 1960s and 1970s, at least five main vigilante groups were operating in Rio de Janeiro: *Esquadrão da Morte* (The Squadron of Death), *Doze Homens de Ouro* (Twelve Golden Men), *Gangue da Baleia* (Gang of the Whale), *Gangue da Caveira* (Gang of the Skull), and *Onze de Ouro* (Eleven Men of Gold). During the first six months of 1969, forty bodies were found floating in the Macacu river.

Table 2.4: Suspected Death Squad Murders in the State of Rio de Janeiro (1958-1968)



Note. Adapted from *Political Policing- The United States and Latin America*, M. K. Huggins, 1998; *Violence Workers: Police Torturers and Murderers Reconstructs Brazilian Atrocities*, M. K. Huggins, 2000; *The Unpast- Elite Violence and Social Control in Brazil, 1954-2000*, S. R. Rose, 2005.

Table 2.4 illustrates that during the 1950s, killings perpetrated by death squads in Rio de Janeiro were almost nonexistent and with the support of the military dictatorship the same increased exponentially by the end of the 1960s. Similar to the rise of modern

death squads in Rio de Janeiro, in São Paulo the *Rondas Noturnas Especiais da Polícia Civil* (RONE) was an official unit operating under a governmental institution, the DOPS civil police, led by Police Chief Sergio Paranhos Fleury. However, RONE had within its unit an organized death squad operating behind the scenes. RONE was created in 1957 with the duty of reducing increasing rates of burglaries and car thefts. The group's logo was an owl carrying a machine gun under its wing, since the group mainly operated at night. Pressured by state officials who justified such groups to make up for the judiciary's inefficiency at putting away criminals, Fleury soon opted to create his own elite team, composed with off-duty cops, operating mainly as death squads (Huggins, 2000).

During the 1950s in São Paulo, another death squad emerged, mainly comprised of hard nosed cops who were responsible for solving “very big, very important cases...[that other] specialized [police branches] were reluctant to deal with” (Huggins, 2000, p. 211). The State Department of Criminal Investigations (DEIC) took out secret orders and (similar to DOPS/RONE) established its own patrol group, the Department of Investigations Unified Patrol (RUDI) (Huggins, 2000, p. 209). The chief police of DEIC boasted that his team “really liked killing, killing outlaws” (Huggins, 2000, p.210). Members of DEIC's death squad were given orders from their superiors to kill suspected criminals even if they did not put up any resistance. In sum, death squads have existed since early colonial Brazil, what makes them different from the early days is the level of society and governmental support.

2.8. Death Squads During the Military Dictatorship (1964-1985)

When the military regime passed Law 667 in 1969, unifying the police in Brazil, turf battles soon erupted. The law turned out to upset the civil police since they lost some of their patrol duties to the military police and experienced a reduction in their budget. Since then, both police forces were often competing over who could more quickly obtain information, or who could arrest more suspects. The budget for the civil police was diminished and therefore, the institution had to reduce its force. In order to make up for this deficit, some civil police units across the country opted to create death squads. The military dictatorship, on the other hand, allowed death squads to exist as long as they helped the generals to crackdown on political opponents (Campbell, 2000).

As mentioned earlier, long before the dictatorship of 1964, death squads have existed and received support from different sectors of the population (Huggins, 1998). The difference was that prior to the military coup of 1964, death squads operated without official state support, and its victims were mainly the lower classes. During the first years of the military dictatorship, systematic and purposeful practices targeted a specific segment of the population, in this case political dissidents. Also, the state not only supported and controlled some death squads but also helped to create and train some of them (Huggins, 1998).

During the 1960s, killings perpetrated by death squads in São Paulo were almost nonexistent and numbers increased exponentially by the end of the military regime in the early 1980s. The military's intention of controlling Brazilian society soon backfired, poisoning the whole system by helping creating death squads. Over the years, these death squads became corrupt, practicing blackmail, extortion, and drug trafficking. While

interviewing a former São Paulo Civil Police official, Marcio, one analyst was told that some men in Marcio's unit and from different death squads had become addicted to drugs and would not torture or kill any victims unless they were high. Over the years, the addiction increased and these police officers became friends with drug traffickers, becoming more crooked than the marginals they targeted (Huggins, 2002).

Dimmenstein (1991) argues that such violations perpetrated by death squads severely damaged the image and legitimacy of the country's security apparatus, which are supposed to have a monopoly on the use of force (Weber, 1946). In Brazil's case, during the military dictatorship, the military's image was further damaged since they were believed (along with the state police) to be directly providing support to some death squads. Dimmenstein (1991) compares the creation of death squads to the equivalent of raising a lion (as a way to prevent a home from being robbed). While growing up, the animal is somewhat intimidating, but once it turns into a full grown animal, the house is protected from thieves but the animal becomes a threat to the owner as well (1991). In Brazil, it did not take very long for the military and the police to lose control over their own death squads.⁵

According to *Veja* (1970), from late 1968 until mid-1970, 123 deaths were linked to death squads in São Paulo. Another report conducted by *Jornal do Brasil* found that between 1970 and 1971, death squads in São Paulo killed nearly 150 people and over 100 people in Rio de Janeiro (TOID 1970d, p. 2). In 1971, former CIA Director Richard Helms, while reporting to a US Senate subcommittee, estimated that death squads

⁵ Incidentally, in 1968, during an argument in a bar, a Federal Police agent was wounded after being shot by a member from the DEIC (Campbell, 2000). After an investigation, the report illustrated how some of these groups were getting out of control and had gone too far by attacking a police organization, the Federal Police, up the chain of command and linked closely to the armed forces (Campbell, 2000; Huggins, 1998).

operating in Rio de Janeiro and São Paulo had assassinated more than one thousand people since 1958 (CFR 1971a). The role of the military, the Brazilian police, and death squads has contributed to rising levels of violations of physical integrity in the country during the dictatorship and since. The next section will analyze the institutional violence committed during the dictatorship of 1964 and the involvement of the police and death squads assisting the military.

2.9. Violations of Physical Integrity During the Coup and Stabilization (1964-1967)

By mid-1964, the dictatorship intensified repression through the implementation of *Operação Limpeza* (Cleanup Campaign). The campaign's main goal was to remove the supporters of President Goulart. Time magazine (1964) reported that in the first week after the coup more than 10,000 people were detained, 4,000 of which were in the city of Rio de Janeiro (Brazil, 1964). Torture committed by state agents became so widespread and gruesome that the Catholic Church in Brazil launched its own investigation, finding that some methods of torture either permanently impaired the victims or killed them (Levine, 1999). Pressured by the international community, President Castelo Branco was forced to set up a commission to examine the validity of these claims. The commission was headed by General Ernesto Geisel (who would become Brazil's third military president, ruling from 1974-1979) and found no concrete evidence supporting the claims made by the Catholic Church (Huggins, 1998).

In addition, civil and political persecution greatly increased in the first few months, as over 10,000 civil servants lost their jobs and nearly 380 politicians and scholars lost their citizenship rights, including the right to run for or hold elected

positions (Huggins, 1998). Even some of Brazil’s presidents were also harassed by the military, including former presidents Goulart, Quadros, Kubitschek, as well as future president Cardoso (Fausto, 1999). Over 100 military officers who were sympathizers of President Goulart and/or were believed to be Marxists were forced to go into early retirement (Huggins, 1998). Other members of the armed forces were expelled from the force for the same reasons. Throughout the entire military dictatorship, over 1,200 military officers and 1,400 civilians were dismissed from their positions (Fausto, 1999). By the end of 1964, as many as 50,000 people were arrested and 28 were killed by the police (Alves, 1984; Barcellos, 1992; Huggins, 1998) and many went into exile.

Table 2.5: Rate of Institutional Violence (1964-1985)

Number of Exiled	Number of Killed or Disappeared	Number of Tortured	Number of Arbitrary Detentions
c. 10,000	345	1,558 (1964-1974)	7,378

Note. Adapted from *Political Policing- The United States and Latin America*, M. K. Huggins, 1998; *Brazil Nunca Mais*, 1985; *Comissão de Familiares de Mortos e Desaparecidos Politicos*, 1995.

In 1964, the military (hoping to quickly eliminate political dissidents), passed Decree Law 4341, which authorized the creation of Brazil’s National Information Service (SNI). As mandated by the decree, the SNI was given six rights or functions, including: coordinating and supervising information and counter-information in the country; informing the president of any activity related to national security; assisting the secretary-general of the National Security Council (NSC) in planning activities; aiding the president in matters related to national security; and creating the National System of Information SNI (Stepan, 1988, p. 16). The military also created the Federal Department

of Public Safety (DFSP) and the National Institute of Identification (INI), to further control and coordinate surveillance of the police and intelligence agencies (Huggins, 1998).

By 1965, many of the citizens harassed or persecuted by the military regime happened to be Goulart's supporters or political dissidents. However, as the military passed the second Institutional Act (1965), new segments of the population, including large sectors of the middle class started to become targets of human rights violations. For instance, after being apprehended by security forces, José Leão de Carvalho, an ordinary citizen, and his children were tortured, both physically and psychologically. José's youngest son, Sergio, only three years old at the time, suffered mental disturbances which eventually led to intensive psychological treatment (*Brazil Nunca Mais*, 1985).

Students and professors also became victims of arbitrary violations during this time. In April of 1965, the Brazilian National Student Association compound was set on fire by a paramilitary group that called themselves *Comando de Caça aos Comunistas* (Group against Communists). In 1967, the military initiated two cases against students who were accused spreading subversive propaganda. In October of 1967, a history professor, Caio Prado Junior, was also charged with the same allegations. The professor was found guilty and sentenced to nearly five years in prison. According to *Brazil Nunca Mais* (1985), a total of 2,127 new cases were opened against Brazilians during this first phase from 1964-1967.

2.10. Violations of Physical Integrity During Linha Dura (1968-1973)

Shortly after being succeeded by his Minister of War, Marshal Artur da Costa e Silva, in 1967, President Castelo Branco tragically died in an airplane crash. President Costa e Silva was sworn in as the new president and promised to consider liberalization or “*política de alívio*” of the political system in Brazil (Huggins, 1998, p. 129). However, the politics of repression continued, as popular protests intensified in the major cities (1998). For instance, in May of 1968, in an event which became known as “Bloody Friday,” students confronted the military police by throwing Molotov cocktails, rocks, and tear gas at the officers. After hours of conflict, resulting in the death of a policeman, the police opened fire against the crowd, killing thirty six people, mainly students (Langguth, 1978, p. 152).

Committed to end these urban demonstrations, the military passed the toughest of all Institutional Acts, the fifth Institutional Act, or what Flynn (1978) defines as the “coup-within-a-coup” (p. 425). The fifth IA was launched in December of 1968. It allowed the armed forces to declare a state of siege, to shut down Congress, to censor the media, to imprison civil and political leaders, to remove all individual and constitutional guarantees, and to confiscate the private property of those tried as political criminals (Huggins, 2002). According to Stepan (1988) and Huggins (2002), institutional violence increased, especially in the larger cities, due to increased power given to the military as a result of the new act (Stepan, 1988; Huggins, 2002).

In 1969, in an attempt to fight urban protests, Decree 1,072 enabled the armed forces to restructure the country’s police. The act empowered the military to merge the fifteen *Guardas Civis*, as well as the *Guardas Municipais*, into one division, the military

police. Article 1 of Decree 667/69, placed the new military police under the authority of the Ministry of the Army (Reames, 2007). The Decree was significant because, from then on, the military had legal basis to fully control Brazil's security apparatus.

As the new government applied a financial squeeze to curb inflation and to stimulate growth (e.g., reducing wages) and as the military intensified repression, a wave of urban protests and the rise of guerrilla groups increased in the late 1960s (Alves, 1984). In 1969, two incidents in Rio de Janeiro caused many university students to confront the police. While attending a student protest, university student Edson Luis was killed by the military police when the police opened fire against the crowd. A few days later, during Edson's Seventh-Day mass, hundreds of students went to the cathedral to attend the ceremony, which was surrounded by the police and the military. Over twenty thousand officers waited outside. While leaving the cathedral, unarmed students were attacked by the military police carrying swords and clubs. A similar attack occurred later that day, at a different memorial mass. All told, over one thousand people were beaten by the police (Alves, 1985).

In 1969, President Richard Nixon decided to send an American delegation led by Nelson Rockefeller to Brazil to assess the situation. Prior to his arrival, nearly 6,000 people in Rio de Janeiro were detained as a precautionary measure (Alves, 1984). In the same year, President Costa e Silva passed the National Security Law with the goal of removing any remaining civilian influence from government. The military claimed that the new law would enable the security apparatus to prevent political dissidents from causing uprisings. Under this law, strikes were outlawed and the media was censored,

increasing the military's power to suppress information in a much more overt manner since the media was now muted (Alves, 1985; Huggins, 1998).

By the end of 1969, President Costa e Silva became incapacitated and unable to exercise his position, due to a series of strokes. Tensions increased within different factions of the armed forces over the president's successor. This was finally resolved when a triumvirate, interim government, composed of one member each from the air force, army, and navy, temporarily assumed the presidency. Huggins characterizes the triumvirate as the armed forces' own coup (since Vice President Pedro Aleixo was opposed to the fifth Institutional Act, he was unpopular with the military) (Huggins, 1998).

Soon after, the new leaders were put to the test when militants from the guerilla groups, Action for National Liberation (ALN) and the MR- 8 (Nationalist Revolutionary Movement) kidnapped the US ambassador, C. Burke Elbrick (Huggins, 1998). This was an international embarrassment for the Brazilian generals because it showed their lack of control over Brazil's security. The US government demanded swift action from the Brazilian military. In the meantime, for the return of the hostage, the guerrilla group demanded the release of fifteen political prisoners. The request was granted, despite sharp disagreements between the military's three branches. Humiliated, in 1969, the triumvirate declared a "state of internal revolutionary war," a period which became known in Brazil as the most repressive during the entire dictatorship (Huggins, 1998, p. 156). Just a few days after the release of Elbrick, over five thousand people were arrested in Brazil, with over two thousand taken in Rio de Janeiro alone (Cava, 1970).

Following this episode, the military implemented two harsh policies: one expelling from the country any citizen who “might become inconvenient, prejudicial, or dangerous to the National Security” and the second one, authorizing the death penalty in cases involving “subversive warfare,” or terrorist acts against the state (Fausto, 1999, p. 290). Since it became a republic in the 19th century, no policy like this had ever been instituted in Brazil.

In October 1969, Army General Emilio Garrastazu Médici became Brazil’s third military president since the coup. General Médici’s presidency became known for being the most violent during the period of military rule (*Brazil Nunca Mais*, 1985). Repression under his administration increased significantly and became even more institutionalized (Green, 2003; Huggins, 1998). Coming into the presidency, Médici had quite a background and knowledge of intelligence matters, as in the past, he was the commander in charge of Brazil’s SNI. While working for the SNI, he was known for authorizing torture on prisoners as a way to quickly obtain information about other guerrilla members (Green, 2003).

As part of the national security apparatus, *Operação Bandeirantes* use of torture became notorious for its bizarre case involving a seventy-two-year-old Brazilian Catholic monk, Tito Alencar. Allegedly arrested for his suspected involvement with the National Liberation Group (ALN), the monk received electric shocks, was kicked and beaten with sticks and was even forced to “receive the Eucharist” (the perpetrators implanted an electric wire under his tongue) (DOPS, 1969b). The next day his torture continued and alternated between cigarette burns and electric shocks. He was subjected to a “Polish

corridor,” a gauntlet where soldiers lined up and kicked and beat the monk while he tried to walk through (Huggins, 2002).

In addition, Frei Tito was hung upside down, while having his ankles and wrists tied to a bar and simultaneously receiving electric shocks, a method of torture known as the Parrot’s Perch (Huggins, 2002). The Frei, knowing that he was going to be tortured until he would confess, attempted to kill himself, a mortal sin in Catholic teaching. While in the hospital, recuperating from his unsuccessful suicide attempt, Alencar was able to write a letter about his experiences and through the help of friends, the letter made its way out of the country, bringing heavy criticism from the international community to the military dictatorship (Huggins, 2002).

Médici’s famous slogan, “*Brasil, ame-o ou deixe-o*” (“Brazil, love it or leave it”) best described his administration, which also encouraged citizens to support the government or face harsh consequences (Green, 2003). Sociologist Michael Foucault described Iran as a “modernized carceral system,” in which members of society lived as if in a prison system, where torture broke the will of the victims and forced them to conform to the system (Rejali, 1994, pp. 166-68). As a result, the victims become passive and willing to “inform, condemn, recant or confess to false crimes” (1994, p. 154). This situation describes Brazil from 1969 to 1974.

In summary, the widespread torture perpetrated by state actors reinforced a “general fear of terror” across Brazil (Rejali, 1994, pp. 152-54). The U.S. government and domestic and international human rights groups increased pressure on the military government to end arbitrary practices. In addition, a sharp economic downturn greatly

damaged the military's image, leaving the military no choice but to start the transferring power back to a civilian leadership.

2.11. Violations of Physical Integrity During the *Distensão* and *Abertura* (1974-1985)

Due to rising internal and external pressures, newly military-elected President General Ernesto Geisel (1974) promised “*distensão*,” or the slow and gradual process of political liberalization (Fausto, 1999, p. 296). During the period of *distensão*, repression remained high, and since the military was under increasing scope of the international community, the military needed to develop new clandestine methods to continue repressing the opposition. Reports by Amnesty International revealed that during 1975 and 1976, Brazil had detained more than 2,000 people (Amnesty International, 76). However, the new government was aware that it would be too risky and unacceptable to continue killing political dissidents while in custody, given the surveillance by domestic and international groups (*Brasil Nunca Mais*, 1985).

The military soon started to utilize a new method to deal with its enemies: disappearances. Disappearances were acts in which security forces abducted victims without being legally charged and took them to remote areas. Often victims were tortured or even killed, and their families did not know about their whereabouts since there were no records of an arrest (*Brasil Nunca Mais*, 1985).

Because of domestic and international discontent about institutional violence, and the beginning of an economic downturn, the pressure for a *Distensão* gained momentum and support, especially within the Catholic Church and the middle class. When Brazil's last military president, João Figueiredo came to power (see Table 2.6), political pardons

went into effect and the government allowed exiled citizens to return to Brazil. In addition, an easing of restrictions on the media helped the opposition to reorganize and mount a massive opposition campaign, which ran from 1979-1985.

Table 2.6: Brazil’s Military Presidents During the Dictatorship (1964-1985)

President	Years in Office	Policies’ Impact
Castelo Branco	1964-1967	Initiated political harassment through Institutional Acts and abolished political parties (except ARENA and MDB).
Costa e Silva	1967-1969	Promulgated IA5, initiating Brazil’s most repressive years.
Emilio Médici	1969-1974	Most repressive regime of all. Known for eliminating Brazil’s guerrilla groups. It was also during his presidency that the country experienced its “economic miracle.”
Ernesto Geisel	1974-1979	Initiated the slow process of <i>distensão</i> , opening the political process.
João Figueiredo	1979-1985	Continued the redemocratization process that led to the <i>abertura</i> .

Note. Adapted from *The Military in Politics: Changing Patterns in Brazil*, A. Stepan, 1971; *Rethinking Military Politics: Brazil and the Southern Cone*, A Stepan, 1988.

Despite the continued scrutiny by human rights groups, during the *distensão*, torture perpetrated by state and nonstate agents continued, resulting in the deaths of journalist Vladimir Herzog and metal worker Manoel Filho while in prison in early 1976. These two incidents stirred national protests, attracting once again vast segments of the middle class and the Catholic Church. To strike against the Church, three men,

supposedly linked to the security apparatus, who wearing masks abducted Bishop Adriano Hipolito to a remote area in Rio de Janeiro and tortured him. The three men took the bishop's car, leaving him behind naked. Then, they set the Bishop Hipolito's car on fire in front of the National Headquarters of Bishops Association as a warning (*Brazil Nunca Mais*, 1985).⁶

By the early 1980s, with the exception of a few incidents by military hardliners, terrorist acts were mainly being perpetrated by death squads acting in many cases independently. Desperately seeking to sabotage the transition process, these hard liners sent out two officers from the DOI/CODI to blow up Rio de Janeiro's convention center during a musical concert in 1981. The officers were not successful, and the only injuries incurred were to the perpetrators (*Brasil Nunca Mais*, 1985).

During the same year, the armed forces remained internally weak and divided over disputes related to national security policies. The period of *distensão* was associated with a new wave of arbitrary violations carried out by nonstate agents. Up until the early 1970s, the military had more control over the country's security apparatus, including knowledge about the existence of death squads. To some extent, the armed forces even assisted some of these death squads in their operations whether through physical help, intelligence, or by turning a blind eye to it. However, throughout much of the *distensão*, there were hardly any imminent internal threats to the national security of Brazil.

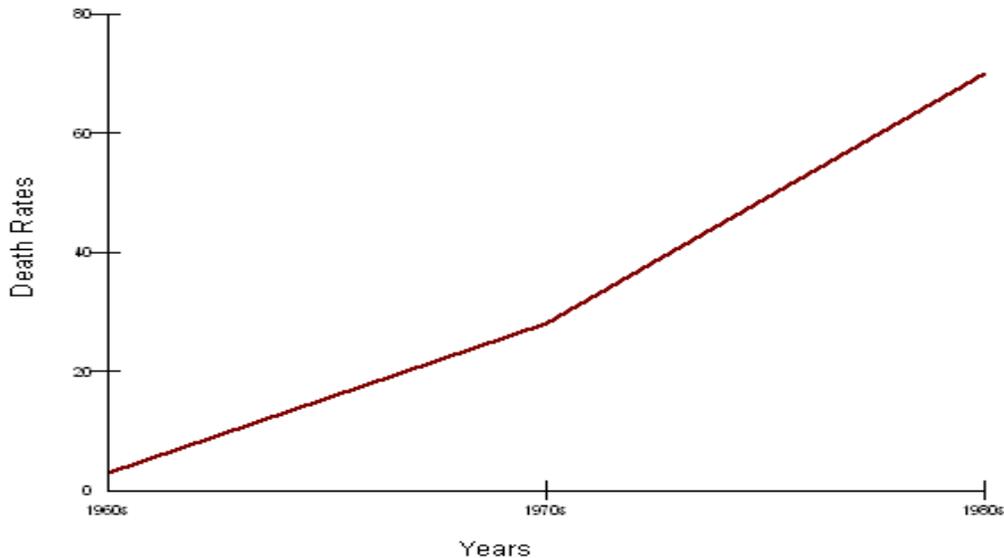
Therefore, the generals who were then busy with fixing the economy and negotiations

⁶ Violations of physical integrity also occurred in the rural areas of Brazil in large numbers. Studies conducted by the Brazilian Confederation of National Bishops (CNBB) revealed that between 1977 and 1981, there were close to 1,000 cases of land conflicts, 45 rural leaders were assassinated, and no investigations were ever conducted by the police. However, this issue of human rights violations in the rural areas is beyond the scope of this thesis, and arbitrary violations are examined mainly in the urban areas, specifically in the two of Brazil's largest cities, Rio de Janeiro and São Paulo.

over a transfer of power to a new civilian rule, left the police to partially take over the security apparatus. In part, this was because, by the early 1980s, the opening process allowed a more independent media to publicize cases involving torture and murder by state agents (*Brazil Nunca Mais*, 1985). The military believed that it was best to distance itself from such practices and leave the dirty work to the state police and death squads.

Meanwhile, the state governors started to regain control over the state police as they had before the military dictatorship of 1964. It was also during the late 1970s and early 1980s that there was a surge among police killings in Brazil.

Table 2.7: Military Police Killings in São Paulo (1960s-1980s)



Note. Adapted from *Political Policing- The United States and Latin America*, M. K. Huggins, 1998; *Brazil Nunca Mais*, 1985; *Comissão de Familiares de Mortos e Desaparecidos Politicos*, 1995.

2.12. Conclusion

Despite the efforts to compile records on institutional violence during the twenty one years of military dictatorship by human rights groups, families, and the media (censored by the government), the data available on violation of physical integrity by state and nonstate actors is still not trustworthy. For instance, interviews conducted by Huggins (2000) revealed that many security forces in Brazil had teams that often took their victims on “death flights” (p. 70). Death flights were conducted by security forces, in this case the police, and once they obtained the information needed, they were given orders to get rid of the victims by throwing them out of helicopters in the Amazon forest (Huggins, 2000).

This is just one example of many other tactics adopted by the security apparatus to cover up their actions and body counts. Also, many victims have not come forward to share their stories, to this day, fearing retaliation from perpetrators. Many state agents who were involved in torturing, either did not report their involvement or never fully reported their actions, since they are afraid of not being protected by the amnesty law. This next chapter analyzes the rule of law under the new democratic system and the impact of increased monitoring of the international community as well as a free media on violations of physical integrity remained.

3. The Rule of Law in Democratic Brazil

The United Nations Development Programme's 1994 *Human Development Report* defines human security as the protection of people's freedom from fear and want. The focus of this chapter is on one aspect of human security: violations of physical integrity by state and nonstate actors and whether the rates of institutional and noninstitutional violence actually increased during the new democracy (1985-present). Yet, before looking into violations of physical integrity during this period, it is important to examine some of the policies aimed at promoting human rights implemented by these civilian governments. An analysis on the role of death squads in committing arbitrary violations of human rights is also provided.

Furthermore, this chapter examines the structure of the Brazilian police and violence under civilian rule. As mentioned earlier, the elites historically used the police to protect their interests while they continued to oppress the lower classes. As illustrated in the last two chapters, efforts to reform the police "have been at odds with patterns of patronage, clientelism, unholy alliances and impunity," thus hindering the development of a democratic police (Hinton, 2005, p. 95). Therefore, before investigating violations of physical integrity and death squads, it is important to analyze the role of the police during the new democratic regime. All these themes are analyzed under the four presidencies since the return to civilian rule: Neves/Sarney (1985-1989), Collor/Franco (1990-1994), Cardoso (1995-2003), and Lula's first term (2003-2007). It is important to note that Lula's second and current term (2007-2011) will not be included in this analysis in order to present a balanced time frame between the twenty one years of military rule and the twenty two years of democratic rule.

3.1. Structure of the Brazilian Police During the Neves/ Sarney Presidency (1985-1989)

Under the 1979 Amnesty Law, political prisoners were liberated and hundreds of political exiles started to return to Brazil (Jelin and Hershberg, 1996). Many of them hoped to incorporate ideas imported from their host countries, liberal democracies in Europe and the Americas, into Brazil's transitional government. Along with the Catholic Church and human rights groups, these returnees advocated for greater protection and monitoring of human rights and the expansion of citizenship. Also, they sought to include stronger language in federal and state laws increasing protections for human rights. However, human rights advocates soon realized that in order to achieve these goals, they first needed to dismantle Brazil's hierarchical and authoritarian system (Chevigny, 1995).

The year 1985 marked the end of twenty one years of military rule in the country. From 1985 to 1990, Alves (1994) characterizes Brazil as entering a new phase of human rights' protection. During this phase, the new democratic government made "timid" steps in recognizing the authenticity of multilateral treaties promoting human rights (p.153). Many people hoped that the new democratic administration, led by a civilian president, Tancredo de Almeida Neves, would lead to the restoration of the rule of law. However, due to a massive stroke, which resulted in his sudden death, Neves never had the chance to be inaugurated as the new president. He was replaced by his vice president, Jose Sarney, a politician from the northeast state of Maranhão. During the military dictatorship Sarney had been a member of the armed forces' political party, the *Aliança Renovadora Nacional* (ARENA).

President Sarney inherited a government that faced some serious economic and social problems as well as institutional and noninstitutional violence. The country's

economy was nearly bankrupt; the gap between the lower classes and the upper classes was one of the widest in the world. The population demanded their citizenship rights be quickly restored. In addition, the new civilian administration needed to bring down the high levels of institutional violence so prevalent in the daily lives of Brazilians. It is important to any country transitioning from an authoritarian regime to a democratic one to negotiate and determine the role of the military in politics and control over the country's security apparatus (Diamond, 1999). High hopes were placed on Sarney's administration to determine the Brazilian armed forces' new role.

In the early 1980s, as the authoritarian regime began to open up the political process in Brazil, the population demanded free and open presidential elections. On the other hand, the military dictatorship insisted on controlling the transition. In the end, the generals orchestrated the transfer of power through negotiations behind closed doors with a small civilian elite. As a result of the negotiations, Tancredo Neves was chosen as the new president. As part of the agreement, the military was still directly manipulating the country's security apparatus, including maintaining its control over the police.

Despite the return to civilian rule in 1985, the military police in Brazil still remained under direct control of the armed forces during much of the transitional government. Thus, any attempt to significantly modify the hierarchical and authoritarian structure of the police was nearly impossible. However, at the state level, there were attempts to reform the police during the transitional government. In São Paulo, Governor Andre Franco Montoro (1983-1987) tried to reduce police violence by focusing on mainly lessening corruption within the civil police and improving its efficiency by replacing some of their chiefs of police or *delegados* (Caldeira, 2000).

On the other hand, the governor faced resistance from the armed forces and members of the police when trying to reform the military police, which was still then subjected to the authority of the armed forces. One measure aimed at the military police that Montoro was able to implement was to transfer some members of its *grupos de choque*, or special tactics forces, the *Rondas Ostensivas Tobias de Aguiar* (ROTA). By dispersing ROTA's members to different units across the state, the governor hoped to reduce institutional violence. Also, during his term, over eighteen hundred of ROTA's most violent members were fired (Chevigny, 1995). Montoro's plans became known as the *Proposta Montoro* or Montoro's Proposal, which called for the development of the rule of law. As part of the plan, the governor appointed Jose Carlos Dias as his chief of justice. Dias was a lawyer, and during the military dictatorship he had become known for his efforts to liberate political prisoners (Caldeira, 2000).

In Rio de Janeiro, promising to improve the state's human rights record, Leonel Brizola became governor in 1983. One of his first measures was to forbid the police from entering the *favelas* (city slums) without judicial authorization (Hinton, 2005). He also put forth new policies to re-train the military police. Brizola chose Senator Jarbas Passarinho and Celio Borja, then Chief Justice of the Federal Supreme Court, to initiate dialogues with civil society groups about human rights. The secretary of the military police, Colonel Magno Nazareth Cerqueira, also started a dialogue with human rights groups (Pinheiro, 1998). These initiatives were significant because for the first time in nearly three decades, the Brazilian government was willing to sit down with advocates for human rights and listen to their demands.

At the federal level the transitional government led by Sarney believed that by improving professionalism and accountability, the country's security apparatus would improve and institutional violence would decrease. Zaverucha (1999) argues that the Constitution of 1988 was democratic from the beginning. The new Constitution became the milestone of the new democratic leadership. It guaranteed a range of human rights, including the broadest definition of civil rights in the country's history. In addition, the Constitution enhanced the protection of the rights of individuals, putting great emphasis on human rights, including protections against the violation of physical integrity, particularly torture. Torture, which has been historically inflicted upon the lower classes in Brazil, became for the first time in the country's history a crime under the new Constitution (Pineiro, 1998).

However, in some areas, the Constitution made things worse (e.g., failed to democratize the principles that had guided military justice throughout the authoritarian regime) (Zaverucha, 1999). Rather than helping the civil police to restore its status as the primary police authority, the responsibility of the civil police remained mainly investigative. On the other hand, the military police had its role expanded, from "carrying out day-to-day policing" to "everyday policing" (1999, p. 50). In addition, Article 42 of the 1988 Constitution officially recognized members of the state military (e.g., members of the military police) as military public servants. Therefore, the law ensured that the state military forces would be "subject to the same military penal codes and similar disciplinary codes that govern the federal military forces" (Zaverucha, 1999, p. 51). In other words, the new Constitution made it almost impossible to prosecute violations committed by the military police by civil courts (1999). In addition, Article 22, Clause

XXI empowered the armed forces to conduct “general rules of organization, manpower, ordinance, legal guarantees, and mustering and mobilization of the military police” (Zaverucha, 1999, p. 51). Thus, even after the return to democracy, the armed forces still organized, mobilized, and armed the military police. Article 124 guaranteed that offenses by members of the military police were prosecuted in military courts, not civilian courts.

However, Article 144 of the Constitution subordinated the military and civil police powers to the authority of state governors and this was an important victory for the new democratic regime. The article enabled the governors to formulate and implement their own state public security plans, based upon the states’ own needs. This was different from the previous priorities of the police, which during the military dictatorship were redeveloped ostensibly to promote the national defense of the country as a whole (Neto, 1999). However, Pinheiro (1998) notes that the Constitution did not allow state governors to “unify the military police (in charge of patrol) and the civilian police (in charge of investigation), or extinguish them, or modify the role of either” (p. 127). Therefore, the military police remained hierarchically structured and not democratic. In the first few years of the new democratic government the governors seem to have increased their control over the state police. However, the armed forces still maintained a strong influence in police matters.

The right to nominate the commander general of the military police forces was another measure under the new Constitution that was intended to increase the power of state governors over the state police. Nevertheless, despite some gains won by the governors, there were still some constitutional protections that made it hard to bring the police under their full authority (Pinheiro, 1998). One example is Decree Law 88,777 of

1993, which tied the military police to the army's Department of Internal Territorial Defense. The decree states that in case of any "subversion of disruption of order," the military police force is subordinated to the authority of the *Regiões Militares do Estado* (regional armed forces platoons) (Zaverucha, 1999, p. 51). In such circumstances, this decree leaves state governors with reduced control over the police (Zaverucha, 1999). Thus, when it comes to deciding the overall authority of the military police in Brazil, the Constitution of 1988 was not very clear in defining who controls the military police in the country: is it the state governor, who pays their wages? Or the armed forces, which supplies their armaments? (Zaverucha, 1993). In sum, in some crucial ways during the transitional government the police did not go through the necessary changes to become more democratic and transparent.

3.2. Structure of the Brazilian Police During the Collor/ Franco Presidency (1990-1994)

In 1990, Fernando Collor de Mello (FCM) became Brazil's first democratically and directly elected president in over two decades. Unlike President Sarney, Collor did not have a close relationship with the armed forces. In fact, Collor had some differences with the generals throughout his administration. Impeached in 1992 after being investigated on corruption charges,⁷ the presidency of FCM only lasted for two years. Collor's Vice President, Itamar Augusto Cautiero Franco, became the interim president on December 20, 1992. During the military dictatorship, Franco had been a senior politician in the official opposition party, *Movimento Democrático Brasileiro* (MDB) or

⁷ According to a final Congressional report, Collor had some personal expenses paid for by the money raised through his influence (Caldas, 2006).

the Brazilian Democratic Movement and this meant the military expected tension would evolve and their power would be reduced.

The presidencies of Collor and Franco only lasted for a total of four years and were marked by corruption scandals, severe inflation, and a substantial increase in police violence. As Diamond (1999) highlights, young democracies must dismantle authoritarian structures in order to consolidate or failure to do so can severely jeopardize the process. In Brazil, was the increase in institutional violence the result of a continued authoritarian legacy? In 1992, there was an attempt to reform the police, and the proposed bill was led by some members of the Brazilian *Câmara dos Deputados*, the lower house of congress. The bill called for the unification of the military and civil police into one unit composed of two groups. One group would be in uniform and involved in crime prevention and the other would be an undercover unit conducting investigations. However, the bill did not receive enough support to take the project forward due to strong lobbying from the military police and armed forces as neither party wanted to have their powers and influence reduced by state governors (Bicudo, 2000).

Adorno (1998) argues that the transition to democracy in Brazil actually spurred a growth in violent and arbitrary practices committed by state agents and this was in response to the increase of atrocious crimes in the major cities (p. 5). Unlike during the period of military dictatorship, institutional violence has been only indirectly political in motivation. Some would say there is a political element in the targeting of *marginals* (known in Brazil as those who are the poor and have dark skin). At the state level, when Orestes Quercia became governor of São Paulo (1987-1991), followed by Luis Antonio Fleury Filho (1991-1995), both administrations decided to resolve the problem of

violence committed by nonstate agents with a “tough hand” approach (Caldeira and Holston, 1999, p. 704). Both governors reversed many of Governor Montoro’s (1983-1987) policies aimed at reducing human rights violations and police violence. As a result, during Quercia’s and Fleury’s administrations, police killings rose substantially (Caldeira and Holston, 1999).

Due to institutional and popular support for such policies, the police continued to fight crime with tough tactics during much of the presidencies of Collor and Franco. In some cases, it can be argued that police chose unnecessary and illegal means. For instance, only a few days after President Collor was impeached, a massacre at *Casa de Detenção* (House of Detention) in São Paulo made national news. The incident resulted in the deaths of 111 prisoners, many of whom were brutally murdered by prison guards using machine guns at close range (Caldeira and Holston, 1999). Following this incident Governor Fleury, under heavy pressure from human rights groups, was forced to replace his secretary of public security and soften his hardline approach (1999).⁸

Although these hardline tactics were supported by many Brazilians, the international community condemned atrocities committed by the security forces. Human Rights Watch released a study on police killings in some of Brazil’s major cities in 1997. The report concluded that police homicides were not just a result of social injustice and poverty; Paul Chevigny (1995), who conducted research in six different cities in the Americas, notes a direct link between high levels of police violence and high levels of impunity. He also looks at the impact of three possible explanations: the Luso-Iberian traditions, the weak democratic tradition, and recurrent dictatorships traditions.

⁸ Interestingly, the newspaper *Folha de São Paulo* (1992) conducted a survey in which 44 percent of the population agreed with how the police handled the incident.

As the level of institutional violence and ordinary crimes continued to increase, Brazilians became increasingly unsatisfied and skeptical about President Collor's and Franco's ability to solve the country's public security problems. In addition, the failure to fully demilitarize Brazil's security apparatus also became target of criticism by domestic and international human rights groups. However, one of President Collor's first attempts to build a more democratic rule of law was to eliminate the *Serviço Nacional de Informações* (SNI). The SNI was created during the military dictatorship and it was the country's main agency responsible for collecting information related to national security (Huggins, 1998). In 1990, President Collor replaced the SNI with the *Secretaria de Assuntos Estratégicos* (Secretariat for Strategic Affairs, SAE) and unlike the SNI, the SAE was led by civilians (Zaverucha, 1993). It seems that in theory, the demilitarization of the country's security apparatus was a good strategy adopted by the new democratic leadership to diminish the armed forces' influence. In practice, the generals continued to exercise much influence over Brazil's intelligence apparatus.

By decree, Collor also reduced the number of military personnel in his cabinet by replacing the heads of intelligence, the joint major staff, and the *casa militar* or (military ministry) with civilians. The president also decreased the budget of the military, a move that created tensions between the armed forces and the government (Jelin and Hershberg, 1996, p. 36). Analysts suggest that Collor implemented some of these policies out of revenge, since the SNI had kept him under close surveillance in the late 1980s during his campaign (Zaverucha, 1993). Beyond seeking personal vengeance, perhaps the president (and members of Congress) recognized the dangers to democracy such power posed and

sought to reduce the chances of military coup by diminishing the power of the armed forces and the country's intelligence security apparatus.

Seemingly contradicting some of his other policies, President Collor approved Complementary Law 69 in July 1991, which empowered the armed forces as the "guardian of law and order" (Zaverucha, 1993, p. 285). It is unclear why President Collor and the Congress approved this bill without any major debate. However, this seems to illustrate the strong influence that the armed forces was still exercising. In addition, the new law permitted the military to intervene in internal security issues whenever requested by the president (Zaverucha, 2000). Zaverucha (1993) argues that by implementing these reforms, President Collor did not "touch the core of the problem" (p. 288). This core, according to Zaverucha, was the continuity of military interference in the country's security apparatus. Although neither Sarney nor Collor completely broke the military's influence over Brazil's security apparatus (Zaverucha, 1993), it seems that this was the first time that attempts were made to decrease the military's influence since the new democracy.

However, meanwhile, institutional violence and heinous acts committed by civilian criminals increased in the 1990s, and widespread discontent began to grow in some of the major cities. The population demanded that the federal and state government reestablish the rule of law. The state government (backed by the federal government) chose a more draconian approach to prevent and fight crime and started to involve the army in some of the daily operations of the police. For instance, in 1993, federal troops were called in to stop public demonstrations at the Rio-Niteroi Bridge. Almost a year later, in March of 1994, the armed forces ordered by the federal government stopped

civilians from celebrating the thirtieth anniversary of the military coup of 1964. Also that year, during Operation Rio I, the armed forces ordered by the state governor and federal government intervened in some areas of Rio de Janeiro to curb violent crime (Zaverucha, 2000). The use of the military in these examples is significant because soldiers were not only called in to intervene in ordinary crimes but also political crimes as well.

By the mid-1990s, widespread violence mainly committed by noninstitutional actors had become a serious threat to the country's process of democratization and to the new presidency of Fernando Henrique Cardoso (FHC), a formerly exiled sociologist who was elected in 1995 by the second widest margin in the country's history. Brazil's traditions of systemic social repression and military tutelage were not eliminated in the first few years of the new democracy because the Constitution was not backed by laws nor the politicians and the police was not completely subordinated to the civilian leadership (Jelin and Hershberg, 1996). This next section examines Cardoso's policies and his efforts to address these issues.

3.3. Structure of the Brazilian Police During the Cardoso Presidency (1995-2003)

During the presidency of Fernando Henrique Cardoso (FHC), the army was called in by the federal and state governments to intervene or assist the police in many internal security situations, such as common crime and political demonstrations. The excessive military presence in public safety that existed during the FHC years is ironic since during the military dictatorship, Cardoso was one of the most vocal opposition leaders and even went into exile for a few years (Caldeira and Holston, 1999). In March of 1995, soon after FHC became president and while he was visiting Rio de Janeiro, the federal

government called in the army to help contain protesters and demonstrations against the new administration (Zaverucha, 2000). In the same year and also in Rio de Janeiro, the state and federal governments called in the army to help the police to occupy many *favelas* as they hoped to restore law and order and to combat drug trafficking. Also, the ministry of defense and state governors often decided together whether the police or army took the lead of the operation depending on the severity of the operation (Zaverucha, 2000).

Also in 1995, the governor and the federal government decided to reenact Operation Rio I to further fight crime in the city's *favelas*. This time, unlike the first occasion, the operation had no termination date (Zaverucha, 2000). In May of 1996, the president, violating Complementary Law 69, sent 1,000 troops and 63 members of the federal police to remove illegal miners from a mine leased to the public company, *Vale do Rio Doce* (Krieger, 1996). Complementary Law 69 dates back to the administration of Collor. The law allowed the armed forces to intervene when asked by the executive only in situations where all venues of maintaining internal order had been exhausted (Krieger, 1996). In many cases, including this one, this law was violated by the executive since the police could have handled the situation on its own. During the same month, 200 state military police officers were sent to the northern part of the state of Pará to remove over 1,500 landless peasants from private lands. The police brutally murdered 19 people, some of whom were children and women (Amnesty International, 1996). It seems that despite the levels of casualties, the military remained under the authority of the federal government and their actions were deemed permissible by the democratically elected government.

Following this incident and under criticism from domestic and international human rights groups, Cardoso supported a bill that proposed that members of the military police be tried in civil courts for certain types of crimes. In 1997, Law 9299 was approved. This law stated that in cases of murder involving members of the military police, the accused could be tried by civil courts. However, this law also stated that members of the military police charged with lesser crimes (such as physical assault and manslaughter) were to be tried by the military courts (Caldeira, 2000, p. 153).

Thus, despite some attempts at reform the military continued to maintain some control over security forces and levels of institutional violence remained high during the civilian rule. Analyst Lemos-Nelson (2001) links this problem to “authoritarian continuity” (p. 2). This term can be applied to Brazil’s traditional political elites controlling the population and maintaining the status quo through oppression. For instance, in the state of Bahia, one family of political elites has ruled the state for many decades. Even since the return to democracy, the elites still control the police to protect their interests. Thus, the security apparatus in this state remains highly authoritarian, repressive, and outdated (Lemos-Nelson, 2001).

Despite the use by the federal and state governments of the military intervention in ordinary and political crimes, and perhaps due to the high levels of state violence, President Cardoso apparently tried to dismantle authoritarian continuity in the country’s security apparatus by passing a few reforms. The failures of the police to contain the rising levels of violence and crime led the president to believe that the structure of the police, which was established prior to the Constitution of 1988, needed change. In 1997, the president approved *Portaria* 369, a law establishing a commission which had the duty

to reorganize the police forces. Cardoso believed that just as every other governmental institution, the police needed to go through a democratic transformation (Zaverucha, 2000). Among the commission chosen by the president, there was one member each from the military police, civil police, and federal police, one lawyer, and five members from the armed forces. Since the armed forces were given more authority to decide the fate of the police not many changes were even considered and even less were accomplished. The army still maintained their power over the military police (Zaverucha, 2000).⁹

Such policies illustrate that even a decade after the return to civilian rule, the military remained a major force behind Brazil's public security and an influence over the presidency. For instance, during much of President Cardoso's administration, the federal government continued to rely on the army to interfere in internal security matters. In 1997, the army acted as the police force on three more occasions. In April, the army secured two federal buildings against members of the landless movement who were conducting land invasions and trying to negotiate with the Ministry of Agrarian Policy. In November, the armed forces set up check points in the railroads of Magalhães Bastos, Realengo, and Vila Militar, looking for drug dealers. Two weeks later, members of the army invaded the *favela* of Muquiço, arguing that they needed to bring back weapons that were supposedly stolen from an army post nearby (Zaverucha, 2000).

In 1998, there were numerous other incidents including several in the states of Pará and Pernambuco when the army prevented landless and rural demonstrators from protesting (*Jornal do Comercio*, 1999). The army was also called in to help fight the country's increasing problem of drug trafficking. In 1999, the armed forces along with

⁹ The reasons for the heavy representation of the military on this commission are unclear.

the police intercepted a trafficking operation in the airport of Galeão in Rio de Janeiro (Zaverucha, 2000).

As mentioned before, some of the compromises between the new civilian leaders and the military were that the armed forces would continue to be the guardians of law and order. As a result, in some cases the army was invited by the federal and state governments to assist the police. In other cases, the military was invited to take the lead in some of these operations. These invitations were based on the severity of the threat.

Despite authorizing the armed forces to maintain internal order in some occasions, the new civilian administration did try to consolidate its power over the country's security apparatus and to reduce military tutelage. However, as part of the compromise, the executive had to award the army the right to hold important administrative positions in many federal agencies, including the civil intelligence agency and the National Secretariat of Public Safety and Transit (Zaverucha, 2000). The army's role in administrating civilian ministries is important to highlight because as Zaverucha points out, it "reveals a high degree of homogeneity between the governing elite and the military elite and the existence of a militaristic political culture even after 21 years of dictatorship" (Zaverucha 2000, pp. 24-25). Allowing the military to control civilian ministries directly contradicts some of the basic principles of a liberal democracy (2000). However, during this period, it seems that the civilian leadership was able to increase its control over the country's security apparatus while reducing the military's control more than its predecessors Sarney, Collor/Franco.

One of FHC's last attempts to deal with the country's high levels of institutional and noninstitutional violence came in 2000. The president passed a comprehensive plan

with the intent to curb and prevent crime, to decrease the level of impunity enjoyed by state agents, and increase public safety. The National Public Safety Plan initially had a budget of \$750 million and sought to train and reequip the police, curb police violence, update legislation regarding public safety, and fight organized crime and drug trafficking in over 120 strategic areas (*Instituto da Cidadania*, 2001). However, Hinton (2005) observes that in Brazil, one of the reasons that institutional and noninstitutional crime rates remained high was due to the constant changes in security plans associated with the new government. For instance, every time a new president or state governor came into power, a new program was implemented, leading the country's security apparatus in a different direction.

3.4. Structure of the Brazilian Police During the Lula Presidency (2003-2007)

In 2001, Lula replaced President Cardoso's National Public Safety Plan with his own National Public Security Plan. The new plan was similar to Cardoso's except that it was developed by members of the Institute of Citizenship. This institute was composed of many members of the president's political party, the Workers' Party. At the state level, governors agreed to comply with the new plan by adhering to the Unified System for Public Safety (Bitencourt, 2007). This system called for improvement in training and coordination of the police system. Lula's new plan attained some level of success in the beginning but soon it became neglected by the new administration as it chose to focus on other priorities, such as the economy (2007).

In the beginning of Lula's presidency, it was clear that the Brazilian police continued to hold their authoritarian past. While in many liberal democracies, the police

“framed their work of controlling the civil population in terms of respect for citizen’s rights (Caldeira, 2000, p. 139),” the Brazilian police never abdicated the use of violence (2000). Zaverucha (2000) argues that instead of defending the citizens, the police continued, though to a lesser extent, to protect the interests of the state.¹⁰ Further, under the Constitution of 1988, militarization was still valid (Cerqueira, 1998).¹¹ Consequently, Brazil might be a country setting precedents when it comes to consolidating their democracy. One day it may become the only consolidated democracy with a highly militarized police force (Hunter, 1998). The existence of a highly militarized police force seems not to be an issue for Brazilians. In fact, surveys in the past indicate that Brazilians sees the armed forces as one of the most trustworthy institutions in the country (Hunter, 1998).

Despite the initial support of the new administration for international human rights, multilateralism, and the rule of law, the military continued to play an important role during Lula’s government. The high levels of support from both the people and the government resulted in military interventions in domestic public security matters, and this was because of the inefficiency of the police to decrease high levels of crimes. As a result, continued military interventions (upon invitations by the government) during the Lula years prevented the country from developing a security apparatus free from military interferences. However, it is important to point out that despite many interventions by the military in internal security operations, the armed forces’ power continued to decrease significantly during this new government (as it had during the previous ones). Compared

¹⁰ In Brazil, the interests of the State are often mixed with the interests of the elites who run the country.

¹¹ Zaverucha (2000) citing Cerqueira (1998) classifies militarization as the “process of adoption and use of military models, methods, concepts, doctrines, procedures, and personnel in police activities, thus giving a military character to public safety (and public) space questions (1998, p. 8).”

to the Sarney administration, during the Collor presidency, the military's voice in policy making at the governmental level decreased significantly. Amidst the political turmoil of President Collor's impeachment and under Franco's caretaker government, the process of reining in the military slowed down, but the military had much less influence than it did in the Sarney government. During the administration of FHC, the government called in the army several times to fight regular and political crimes, and yet the military's influence over the country's internal matters decreased (e.g., fewer ministry positions were occupied by the generals, and state governors gained more authority over the state police) (Hunter, 1998).

As mentioned in previous chapters, the Brazilian police have historically been known for their use of institutional violence, but the degree of violence varied from administration to administration. Often times, such practices were not illegal since they were protected by "laws of exceptions" (Caldeira and Holston, 1999, p.700). These laws often accommodated or covered for police misdeeds (1999). Even though some of these laws were created and put into practice during the military dictatorship, they have also been employed during the new democracy and supported by much of the population. Thus, in Brazil's consolidating democracy, police violence and impunity has continued to enjoy wide popular support and remains protected by laws dating back to the days of authoritarian rule (Caldeira and Holston, 1999).

3.5. Violations of Physical Integrity During the Neves/ Sarney Presidency (1985-1989)

As mentioned earlier, one focus of this chapter is to analyze whether violations of physical integrity by state and nonstate actors increased during the new democratic regime. During the late 1970s, the negotiations between the military and civilian elites over the transfer of power to civilian rule, intensified, this included debates over accountability for past human rights violations. In 1979, the Amnesty Law, which was created by the military, was implemented and stated that human rights violations committed by military personnel and state agents during the military dictatorship were not to be prosecuted during the new democratic regime (Jelin and Hershber, 1996). This compromise came with a high price for human rights advocates, victims of torture, and their families since it prevented them from seeking justice or reparations. However, as part of the compromise, the armed forces agreed to give the political leadership of the country to civilian control.

In 1985, President Sarney quickly sought to gain international credibility by adopting unprecedented measures. One of them was to sign the United Nations Convention Against Torture (Pinheiro, 1998),¹² which Article I defines torture as:

“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering

¹² Brazil signed the treaty on September 23, 1985 and ratified on September 28, 1989.

is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” (UN Convention Against Torture, 1984)

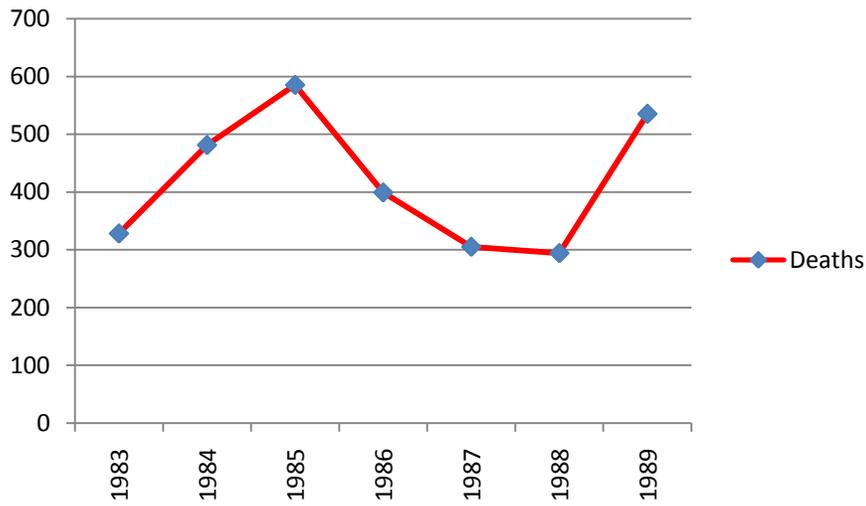
Aside from gaining some international credibility the new administration planned to back the treaty by laws which would discourage police officers from engaging in arbitrary violence since the Brazilian government was legally obligated by an international treaty to prosecute agents of torture. In addition to signing this Convention, the Sarney administration sent other international treaties to the floor of the National Congress for ratification, including the International Covenant on Civil and Political Rights, the Covenant on Economic Social, and Cultural Rights, and the American Convention on Human Rights (Pinheiro, 1998). In theory, these treaties were supposed to be backed up by the new Constitution of 1988 and laws to carry out the promises in these treaties. In practice, this did not occur; torture remained widespread in Brazil, including in Brazilian jails during interrogations (Amnesty International, 1990).

President Sarney launched a joint campaign along with Minister of Justice Fernando Lyra to reform the security apparatus, agreeing to utilize the recommendations in the Vilela Commission on Human Rights (Pinheiro, 1998). The Vilela Commission was led by Fernando Gabeira, a former political exile who was detained and tortured by the Brazilian security forces in the 1960s. At the time of the appointment, Gabeira was then a federal deputy. The goals of the commission were to curb violations committed in some security institutions, such as penitentiaries and institutions for children and adolescents (Center for the Study of Violence, 2007).

Despite President Sarney's attempts to reduce institutional violence in the country, the rates of violent crimes continued to rise during the transitional government. For instance, violent deaths (including homicides, suicides, and accidents) caused by institutional and noninstitutional actors jumped from being the fourth leading cause of death in the early 1980s to second in 1989 (Caldeira, 2000). During the same time, in São Paulo alone, violent death was one of the leading killers, only behind respiratory diseases (Caldeira, 2000). The Population Crisis Committee (1985) conducted a study identifying some cities around the world with the worst levels of homicide per 100,000. Rio de Janeiro (49) and São Paulo (26) were included along with Cape Town (64.6), Cairo (56.3), Alexandria (49.3), Manila (36.5), and Mexico City (27.6).

Receiving domestic and international criticism, the new civilian government implemented a clause in the 1988 Constitution which made torture a crime without the possibility of bail or executive pardon (Caldeira, 2000). By the end of the transitional government, the country's reform towards a better political democracy was well way under. For instance, elections at the federal and state level were being conducted relatively freely. On the other hand, human rights violations seemed to have deteriorated even further under the first four years of civilian leadership. Part of the violations of physical integrity committed in Brazil during this time can be attributed to police violence.

Table 3.1: Military Police Killings in the Metropolitan Area of São Paulo (1983-1989)



Note. Adapted from *City of Walls: Crime, Segregation, and Citizenship in São Paulo*, T. P. R. Caldeira, 2000; Americas Watch, 1989.

In São Paulo, police killings increased during the transfer of power (1984 and 1985). Although Governor Montoro began his earlier policies reducing institutional violence in 1983 (as mentioned earlier in this chapter), they did not have a noticeable positive impact until his last two years in office, 1986 and 1987. However, when Montoro was succeeded by Governors Quercia (1987-1991) and Fleury (1991-1995), both governors reversed his policies, and police killings started to increase again. Pinheiro (1994) warns that states transitioning from an authoritarian regime do not necessarily make into a democratic transition. In the process of transition, states may fail to dismantle hierarchal structure levels in some institutions (e.g., security apparatus), fostering state violence. In addition, states may not succeed in regaining the autonomy of repressive apparatuses that was expanded during authoritarian systems (Pinheiro, 1994, p. 240). Caldeira and Holston (1998) argue that as a result, “political democracies can be

more murderous than their authoritarian predecessors” (p. 287). One can we infer that Brazil fits this case during the transitional government of Sarney.

3.6. Violations of Physical Integrity During the Collor/ Franco Presidency (1990-1994)

For many Brazilians, Collor’s presidency marked the real beginning of Brazil’s new democracy as he was the first president directly elected in over two decades. The relatively peaceful presidential election of 1989, which resulted in the transfer of power from the transitional government of Sarney to Collor, helped to further shape the country’s electoral democracy.

In terms of human security, the new government tried to put on a good face by signing, in 1992, the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. By doing this, the government hoped to show their efforts to curb violence (Caldeira, 2000). Despite becoming signatory to this Convention, violence and unaccountability for institutional and noninstitutional violence in the country remained high. For instance, violent deaths continued to grow in some of the major cities, such as São Paulo, reaching roughly 15 per 100,000 in 1991 and 1993 (Caldeira, 2000).

This wave of violence caused mass fear among the population which turned their support to politicians willing to adopt draconian measures when dealing with criminals. The high levels of support for military interventions seem to be explained by the continued increase of violent crimes throughout the Collor and Franco administration. According to Caldeira and Holston (1999), during the early 1990s, the “proportion of violent deaths (accidents, homicides, and suicide) in total deaths has almost doubled,”

just in São Paulo and surrounding areas (p. 696). For instance, violent deaths accounted for nearly eight percent of all deaths in 1978, increasing to roughly 15 percent in 1991 and 1993 (p. 696). In São Paulo, it seems that the higher number of total deaths was caused by homicides whereas other causes of death remained constant (Caldeira and Holston, 1999). Compared to the U.S., Japan, and Europe, Brazil's homicide rate was significant higher from 1970-1990 (Caldeira and Holston, 1999).

Table 3.2: Homicide Rates in the U.S., Japan, and Europe (1970-1990)

Country	Homicide Rate per 100,000
Japan	One
Europe	0.3 to 3.5
United States	8 to 9
Brazil	15 to 20

Note. Adapted from Democracy, Law, and Violence: Disjunctions of Brazilian Citizenship, T. P. R. Caldeira, and J. Holston, 1998.

*The estimates reflect the average of all combined years.

Caldeira and Holston (1999) point out that the overall national homicide rate can be misleading as the rate varied significantly in the major cities. During the 1980s and 1990s, Recife, São Paulo, and Rio de Janeiro were the most violent cities in the country and their homicide rates reached over 45 per 100,000 people (Caldeira and Holston, 1999). When comparing these numbers to other violent cities in the United States or countries in the Americas, the three Brazilian cities and the country's national rates were still among the highest (See Tables 3.3 and 3.4).

Table 3.3: Homicide Rates in the Americas (1993)

Country/City	Homicide Rate per 100,000
New York	26.5
Los Angeles	30.5
Miami	34.1
São Paulo	43.2
Rio de Janeiro	44.5
Recife	49.2
Atlanta	50.4
Washington	78.5
New Orleans	80.3

Note. Adapted from Uniform Crime Reports for the United States, FBI, 1993; United Nations, 1995; *Democracy, Law, and Violence: Disjunctions of Brazilian Citizenship*, T. P. R. Caldeira, and J. Holston, 1998; *Direitos Humanos e Violencia. A Geografia do Crime e a Inseguranca na Cidade de São Paulo e na Regiao Metropolitana de São Paulo*, L. De Souza, 2002. *Urban Violence in São Paulo*, N. Cardia, 2000.

Table 3.4: Homicide Rates in the Americas (Late 1980s and Early 1990s)

Country/City	Homicide Rate per 100,000/ Year
Venezuela	12.1/1989
Brazil	20.2/1989
Colombia	74.4/1990
Mexico	17.2/1991

Note. Adapted from Uniform Crime Reports for the United States, FBI, 1993; United Nations, 1995; *Democracy, Law, and Violence: Disjunctions of Brazilian Citizenship*, T. P. R. Caldeira, and J. Holston, 1998.

By the mid-1990s, homicide rates remained a serious issue to be solved by the Franco administration. In 1994, homicide accounted for nearly seven percent of all deaths

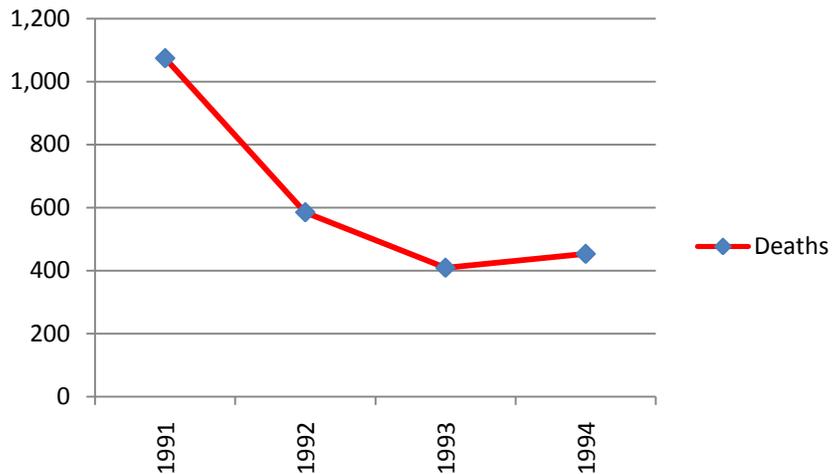
in the city of São Paulo¹³ (Caldeira, 2000, p 125). When analyzing these rates by age groups, in 1994, almost 45 percent of the deaths of those between the ages of 15 to 24 were attributed to murder. Increasing the age bracket is even more dramatic: Death rates for those 15 to 29 years old reached roughly 62 percent. This might be seen as the police were targeting young citizens who were believed to be a greater threat to the elites. As an example, the homicide rates drop to nearly 20 percent among those between 20 to 50 years of age (Caldeira, 2000, p. 125).¹⁴

Also in 1994, and just in the city of São Paulo, the Department of Public Security (1994) recorded 19 *chacinas* (massacres) which resulted in the deaths of 61 people. In Brazil, the police were responsible for a large proportion of these violations. In São Paulo, police killings in 1991 accounted for nearly 15 percent of all assassinations, and almost 28 percent in the following year (Caldeira and Holston, 1999, p. 700). Caldeira and Holston (1999) contend that “no other city in the Americas outside of Brazil has a comparable record of police abuse in the use of deadly force” (p. 700). Police killings reached their peak during the presidencies of Collor and Franco (See Table 3.6). Members of the police often engaged in committing heinous crimes while linked to death squads. However, the brutal actions employed by the police backfired and helped to shape the image of drug traffickers in the *favelas* as the protectors of the law (Dudley, 1998). Many residents of *favelas* chose to seek the protection of gang lords as since they did not trust the police.

¹³ This is a significant increase compared to the 1.5 percent figure for 1978.

¹⁴ In 1976, the number of those murdered in the age group of 20 to 50 years old was roughly five percent (Caldeira, 2000).

Table 3.5: Military Police Killings in the Metropolitan Area of São Paulo (1991-1994)



Note. Adapted from *Edge of the Knife: Police Violence in the Americas*, P. Chevigny, 1995; *Democracy and violence in Brazil*, T.P.R. Caldeira, and Holston, J. 1999.

In October 1994, in the *favela* of Nova Brasilia, seventeen civilians were killed when nearly 150 military police officers invaded their homes. In the same year, illustrating how desperate and fearful the citizens of Rio de Janeiro were over the high rates of violent crime, the army was called in by the governor to conduct temporary patrols in some neighborhoods of the city. This action received wide support from the population (Caldeira and Holston, 1998; Caldeira and Holston, 1999). Moreover, violence in the prisons in Brazil did not improve since the transitional government of Sarney. Amnesty International (1995) revealed that the torture of detainees was widespread, in some cases resulting in their deaths. In addition, members of the police threatened human rights activists, church workers, and state prosecutors and journalists investigating human rights violations in prison. In sum, during the first democratic regime since the transition, violations of physical integrity appeared to be much more common than even during the military regime.

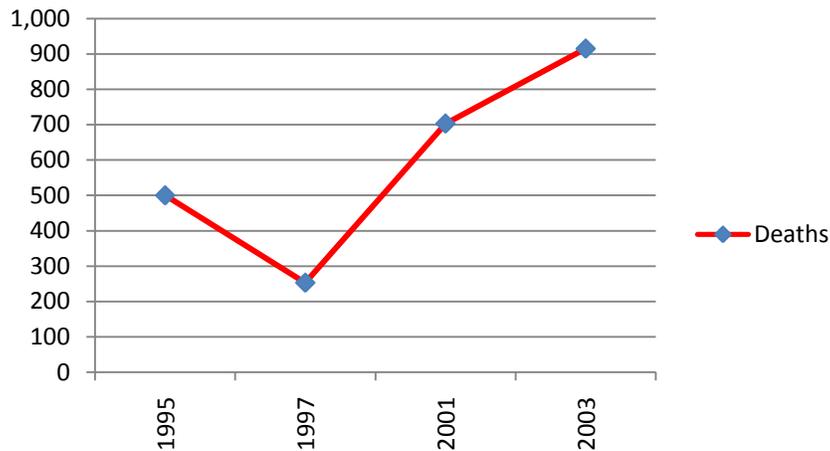
3.7. Violations of Physical Integrity During the Cardoso Presidency (1995-2003)

Increasing levels of violence during the presidency of Cardoso started to affect social interactions in the lives of many Brazilians. Many citizens believed that the lack of security was the most important issue of the times (Caldeira, 1999). In Brazil, during the early 1980s, violent crimes accounted for almost 20 percent of all the crimes reported to the civil police. During the mid-1980s, the same crimes increased to 30 percent. By 1996, violent crimes had reached an astonishing 36 percent (Caldeira, 1999).¹⁵

During the 1990s, homicide was one of the fastest growing types of violent crime (Caldeira, 1999). The Department of Public Security reported that in 1995, there were 30 *chacinas*, accounting for 96 deaths in the city of São Paulo. In 1996, the rates of homicide amounted to nearly 47 per 100,000 people. This was a significant increase in comparison to 1981, when rates were slightly over 14 per 100,000 (Caldeira, 1999). Between 1979 and 1997, the rates of homicide rose from just over 11 to nearly 26 per 100,000 people. Interestingly, during the same years, the population grew by 65 percent and homicide rates grew by 120 percent (Bitencourt, 2007). Huggins (2000) compares two capital cities in Brazil, Recife and Vitória, to the war-torn country of Colombia and concluded that the murder rates in the two Brazilian cities were much higher than those in Colombia.

¹⁵ Caldeira (1999) defines violent crime as including “murder, attempted murder, rape, attempted rape, assault and battery, robbery, and felony murder (p. 696).

Table 3.6: Institutional Killings in São Paulo (1995-2003)



Note. Adapted from *City of Walls: Crime, Segregation, and Citizenship in São Paulo*, T.P.R. Caldeira, 2000; Amnesty International, 1999; Human Rights Watch, 2001; *Insurgent Citizenship: Disjunctions of Democracy and Modernity in Brazil*, J. Holston, 2008.

Despite a slight decrease in police killings during the transitional government of Sarney, in comparison to the late 1990s, institutional homicide remained high in Brazil during the remainder of the 1990s and early 2000s in comparison to other democracies. For instance, Brazil was listed in a United Nations Educational, Scientific, and Cultural Organization (UNESCO) Report (2002) as the country with the highest percentage of murders caused by institutional and noninstitutional actors using firearms. In the same year, 78 percent of all homicides in Brazil were caused by firearms. In 2002, according to the *Jornal do Brasil*, over 2,350 homicides occurred in Rio de Janeiro alone, this was an increase of almost eight percent to 2001 (Bitencourt, 2007). In São Paulo, between 2000 and 2002, the homicide rate per 100,000 people averaged 247 (Holston, 2008).

In addition to increasing levels of homicides, torture remained widespread during Cardoso's presidency (Amnesty International, 2003). A new law under the 1988 Constitution classified torture as a serious crime. However, between 1997 and 2000 no

convictions were obtained for this type of crime, consequently, torture remained pervasive during detentions (Rodley, 2003).

The lack of individual security in Brazil developed in the new democratic regime a culture of fear and suspicion (Caldeira and Holston, 1999). Public spaces were viewed as lawless places and increasingly became abandoned. In fact, the police, who are supposedly responsible for maintaining order and law in these places, were often the ones who committed most of the violence. Violence, extrajudicial actions, corruption, and involvement with organized crime plagued many police units across the country. Crime and the fear of crime became so common in the daily lives of the population that the people's support for extrajudicial actions to stop crimes and violence continued to grow (Caldeira and Holston, 1999). In fact, the support for private and illegal "acts of justice, such as the extraction of confessions through police torture, and vigilante efforts to catch suspects," seemed to be on the rise (Caldeira and Holston, 1999, p. 695).

The increasing level of popular support for extrajudicial acts made Brazil's democratic system unique and contradictory; in some ways Brazil showed signs of becoming a liberal democracy but in other ways it resembled an authoritarian system. For instance, when it came to defending voting rights, the population fully demanded this right to be respected and protected. However, the population's high level of support for the use of military intervention in fighting crime and the general belief that criminals should have no human rights illustrated the continuity of an authoritarian political culture (Caldeira and Holston 1999; Pinheiro, 1998).

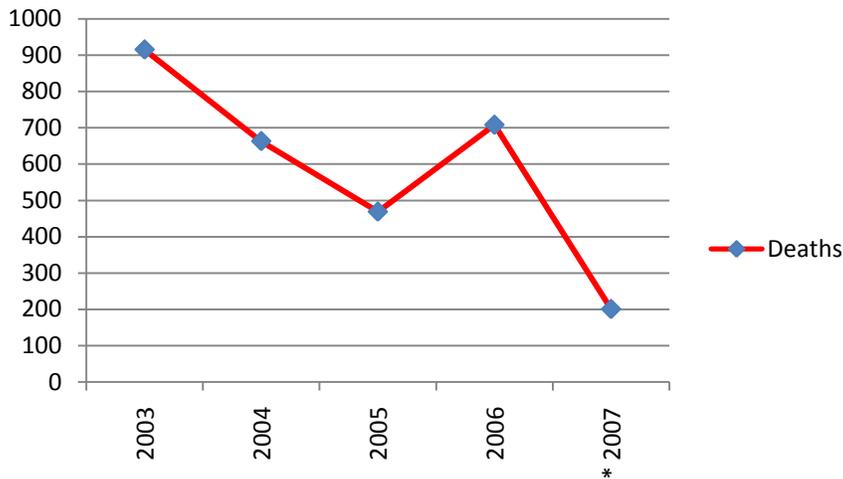
3.8. Violations of Physical Integrity During the Lula Presidency (2003-2007)

Thus far, it seems that Brazil's new democratic leaders failed to curb violence, exposing many of the weaknesses and vulnerabilities of an unconsolidated democracy. This was especially evident in the areas of human rights protection. The lack of respect for human security only created more opportunity for violence to increase (Caldeira and Holston, 1999). Almost twenty years after the end of the military dictatorship, Brazil's goal of establishing a democratized police was still out of reach (Hinton, 2005). In addition, levels of police impunity remained high. The federal government's National Campaign against Torture reported receiving 1,336 complaints of torture between October 2001 and July 2003 (Brazzil, 2008).

The United Nations Human Rights Report (2005) expressing concerns over the high levels of torture and extrajudicial killings by the police in the states of São Paulo and Rio de Janeiro, revealed that nearly 10,000 people were killed by the police between 1999 and 2004.¹⁶ However, state governors in São Paulo and Rio de Janeiro still defended harsh police tactics to stop and prevent crimes. In São Paulo, police killings were up nearly 12 percent during the government of Lula (See Table 3.7). In Rio de Janeiro, during the first 11 months of 2003, police killings rose almost 33 percent, resulting in 1,195 murders. In both states, the governors justified the increase in police killings as necessary, arguing that tougher police actions halt crime (Amnesty International, 2004) According to an Amnesty International Report (2004) a great number of the killings were accompanied by unnecessary brutality. They amounted to illegal assassinations but were often classified by police as "resistance followed by death."

¹⁶ It is important to highlight that in the early 2000s, national homicide rates went down (one of the reasons can be attributed to a disarmament law in 2003, which imposed more restrictions on individuals carrying guns (Amnesty International, 2006)

Table 3.7: Institutional Killings in São Paulo (2003-2007)



Note. Adapted from Amnesty International Reports (2003- 2008); University of São Paulo Research Center.

* First six months of 2007 (data available covered only this time period).

As illustrated by Table 3.7, institutional killings in São Paulo remained high if not higher during the early 2000s. This trend is not unique for São Paulo alone; it is also characteristic of other major cities in Brazil. For instance, in Rio de Janeiro it is possible that institutional violence remained high due to some of the policies chosen by the state government. In 2006, state authorities decided to intensify their efforts to fight drug gangs occupying most of the city's *favelas* by adopting military strategies such as the use of *caveirão*, an armored troop carrier. In some cases, local residents stated that army officers randomly opened fire from the *caveirões* resulting in the deaths of bystanders (Amnesty International, 2007). In the same year, the armed force sent in troops and tanks to some of the *favelas* in Rio de Janeiro to track down stolen guns. This intervention seemed to be made by members of the army unilaterally, without even asking the authorization of the state and federal governments. Even though federal prosecutors

questioned the legality of this operation, the decision of the army to take to the streets was not challenged by the state nor federal governments.

On the other hand, there were residents who complained about the arbitrary violence and discriminatory treatment by army officers who were not trained to carry out such operations (Amnesty International, 2007).

In 2007, police killings in Rio de Janeiro accounted for 1,260 deaths, the highest total to date. This is a significant increase when compared to 2006 record of 1,063 (Amnesty International Report, 2008). Some of the killings occurred as the result of two drug trafficking operation run by police in a poor neighborhood, the Complexo do Alemão. In two-month operations, 44 people were killed (Human Rights Watch, 2008; World Report, 2008). In São Paulo, also in the first few months of 2007, and allegedly in confrontations with the police, over 200 people were killed while 15 officers lost their lives, illustrating the excessive use of force by the police (Human Rights Watch, 2008; World Report, 2008).

The police seemed to still believe that they must deal with crimes with the same levels of violence and control as they did during the authoritarian regime (Adorno, 1998b). Many police officers apparently still believed that the rule of law is a barrier which prevents them from protecting the population against criminals (Pineiro, 1995/1997). This violates the new Constitution, which mandates that suspects can only be arrested if they are caught in the act without a judicial order (Lemos-Nelson, 2001, p. 8).

According to Holston (2008) from the mid-1990s to 2006, just in the state of São Paulo alone, nearly 35 percent of the population was assaulted and 80 percent knew a person who was victim of some type of a criminal violence. In addition, almost 85

percent of the crimes happened in public spaces and among the victims only a third reported the crimes to the police.

The protection of human rights is said to be widely supported around the world but in Brazil human rights are often considered by many sectors of the population to be “privileges for bandits” (Caldeira, 2000, p. 340). During the military dictatorship, human rights were not stigmatized since the middle-class political prisoners were the main victims (Caldeira, 2000, p. 341). With the *abertura* and the approval of the Amnesty Bill in 1979, human rights groups started to advocate for the rights of marginalized groups (e.g., better treatment of nonpolitical prisoners in prison) rather than reparations for those who were imprisoned for their political beliefs. This was unique in many emerging democracies as human rights movements appeared to fight for reparation rights committed during the authoritarian regimes right after a transition to democracy. In Brazil, families that had members either murdered or tortured during the authoritarian regime only pressed for reparations in 1995, almost ten years after the transition, (Caldeira, 2000, pp. 341, 421). In many cases, families and victims decided not to press charges since they still feared retaliation from the perpetrators of these crimes (Huggins, 1998).

In sum, despite President Lula’s attempts to reduce crime rates, levels of crime and institutional violence remained high. In many cases, institutional violence continued to target the poorest communities. Torture perpetrated by state agents continued to be widespread and systematic in most prisons, police stations, and during arrests. In many cases, the police detained people illegally, extorting money or other favors. The 1997 law against torture seemed not to have a significant impact as police impunity remained high.

The high levels of impunity and fear of retaliation continued to be common two decades into the democratic regime.

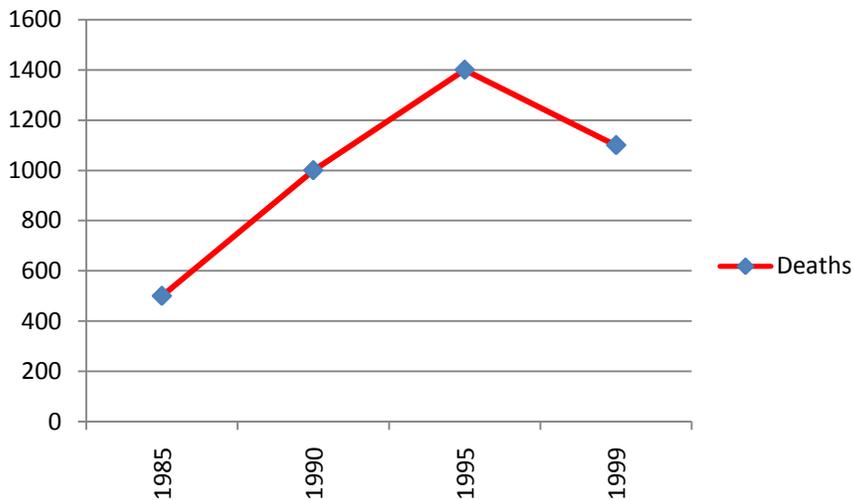
3.9. Death Squads During the New Democratic Regime (1985-2007)

During the early years of the military dictatorship, the state played an important role in creating and training death squads that operated systematically and targeted a specific segment of the population, the political opposition (Huggins, 1998). One would expect that with the transition to democracy government would no longer maintain the same policy. However, support for death squads was mainly covert but in some public security institutions, such as the police, associates not only supported but continued to be involved in and actively participated in death squad activities (US Department of State, 2004).

In Brazil's new democracy during the late 1980s, hundreds of street children, adolescents, adults, and marginals were assassinated by off-duty cops, former police officers, and civilians linked to death squads (Amnesty International, 1994). A UN Special Rapporteur stated in the early 1990s that death squads in the country were waging a social cleansing campaign against new groups, the marginalized and those assumed to be associated with organized crime. Further, the report stated that death squads were operating in more than 15 of 26 Brazilian states (Amnesty International, 1994). In the state of São Paulo the police ombudsman, the state human rights commission, and members of civil society accused deaths squads of numerous killings of young men in summary executions in the towns of Ribeirão Preto and Guarulhos (See Table 3.8). For instance, in 1993, a police officer from Guarulhos confessed to a local TV station that he

was involved in the killing of nearly 115 people. He estimated that almost 90 per cent of police shoot-outs were staged to cover executions (Amnesty International, 1994).

Table 3.8: Suspected Death Squad Victims by Number and Year in the State of São Paulo (1985-1999)



Note. Adapted from *The Unpast: Elite Violence and Social Control in Brazil, 1954-2000*, R. Rose, 2005.

Table 3.8 illustrates a significant increase in suspected death squads victims in the state of São Paulo since the end of the military dictatorship but then a decline. This increase can be explained by the pressure from domestic and international human rights groups. State and federal government began to punish a few members of the police linked to death squads. Nonetheless, the level of homicide caused by death squads was still much higher than during the dictatorship. This seems to be true for other cities of the country as well. For instance, in 1993, in the northeastern state of Alagoas, sixteen members of the military police linked to death squads allegedly killed nearly 70 civilians (Bitencourt, 2007). In the same year, another massacre occurred, this time in Rio de Janeiro. Known as the Candelária massacre, it involved members of the military police

and civilians linked to death squads. The perpetrators killed eight street children while they slept on the steps of the church because they were thought to be involved with prostitution and the drug trade (Mattar, 2003). A month later, in the same state, 21 residents of the *favela* Vigário Geral were assassinated, including an evangelical family with no criminal record. A group of 40 masked and heavy armed men, widely believed to be members of the military police avenging the murder of colleagues who had been killed, committed the assassinations (Caldeira and Holston, 1998). In 2002, the Human Rights Commission of the Bahia Legislative Assembly concluded that 66 people in the state of Bahia were killed between January and August by death squads (Amnesty International, 2003).

Across Brazil death squads continued to be engaged in extrajudicial executions of marginals, and often active police officers were directly involved, arguing that they were combating organized crime. Observers suggest that some police officers became involved with death squads to make money; some of their activities involved extortion and kidnapping, in which the engagement of law enforcement is believed to be extensive (US Department of State, 2004). The high level of police impunity, the difficulty in protecting witnesses and popular support for a tough approach to crime help explain the continuation of extrajudicial violence. Human rights advocates argue that since the judicial system is inefficient and corrupt, perpetrators continue to enjoy impunity. On the other hand, state officials denied the existence of death squads (Amnesty International, 2003).

In 2004, a task force in the state of Bahia dismantled a few death squads, including the notorious *Scuderie Detetive Le Cocq*, one of the country's oldest groups

known for carrying death squad activities (Amnesty International, 2005). By the end of 2007, in the city of São Paulo alone, there were nearly one hundred cases of homicides linked to death squads. In the cities of Ribeirão Pires and Osasco, policemen were under investigation for their involvement in the deaths of over 30 people. Assassinations by death squads continued to be reported in other states, including Rio de Janeiro, Espírito Santo, Bahia, Pernambuco, Rio Grande do Norte and Ceará (Amnesty International, 2008).

In sum, the failure of the new democratic regime to eliminate death squads from operating in Brazil demonstrates the country's inability to consolidate the rule of law. Perhaps, as long as there is popular support for death squads, powerful incentives for police corruption, and an inefficient judiciary to combat high levels of impunity, the existence of death squads will continue to threaten the democratic consolidation in Brazil. For instance, almost a decade later, a few trials took place in relation to the 1993 massacres at Candelária and Vigário Geral. One police officer was sentenced to 300 years in prison for his participation in the massacre at Candelária and another officer was sentenced to 59 years imprisonment for involvement in the Vigário Geral killings. By incarcerating these two officers, it appeared the government was doing something. In reality, eighteen policemen were found not guilty for their involvement in the Vigário Geral. In the end, out of 40 police officers whom were supposedly involved in these incidents, only two went to prison (Amnesty International, 2004). Since the return to democracy, death squads have killed more civilians than during the military dictatorship when they were tolerated by the government. As a result, citizens are living in a constant state of fear, worse than even under the authoritarian regime.

3.10. Conclusion

After twenty two years since the end of military dictatorship, Brazilians are still living in a place dominated by an intense level of fear of violence. The difference between the military dictatorship and the new democratic regime is that under the democracy the threat of violence does not originate as much from state agents as it does from nonstate actors (e.g., death squads and marginals). Also, during the authoritarian regime, political nonconformists were the primary targets of state harassment. Now, the new victims of institutional violence are the poor, dark skin, and *Nordestinos*.

Even with a relatively free Brazilian media and many domestic and international human rights groups monitoring human rights abuses, information regarding violations of physical integrity is still unreliable, and in some cases hard to obtain. The military, on the other hand, despite having its power and influence decreased during the new democracy, is still strong enough to continue influencing some of the daily decisions regarding the country's security apparatus and other non-security policies. The civilian rulers rely on the military to fight crime and promote internal security. The rule of law in Brazil is weak and the levels of impunity remain high. This indicates that democratic consolidation is still far from occurring. As a result, the overall approval rates for democracy seem to remain declining.

4. Analysis of Findings: Contrasting Democratic Brazil with Authoritarian Brazil: The Rule of Law

The focal point of this chapter is a comparative analysis of the authoritarian regime of 1964 and the current democratic government, from 1985 to the present. One variable was selected for analysis, the levels of violations of physical integrity by state and nonstate actors. State actors include members of the police and members of the armed forces. Nonstate actors include death squads, vigilantes, and off-duty cops. This variable is important because the lack of progress in the provision and guarantees of human security¹⁷ will continue to hinder the development of the rule of law and a consolidated democracy in Brazil.

4.1. Violations of Physical Integrity by State and Nonstate Actors

Over the years, social scientists have assumed that democracies ensure greater protection of human rights, mainly due to greater governmental accountability and transparency (Chevigny, 1995; Henderson, 1991; Poe and Tate, 1994; Sen, 1999). While this can be true for some democracies, other countries transitioning from authoritarian to democratic systems can actually experience an increase of violence and lower levels of human security (Rustow, 1970). Diamond, Caldeira and Holston, and Pinheiro point out that a young democracy that fails to dismantle authoritarianism from within its institutions can encounter higher levels of violent crime than even previous authoritarian regimes.

¹⁷ As mentioned in chapter three, human security is based on the United Nations Development Programme's 1994 *Human Development Report* which defines human security as the protection of people's freedom from fear and want. In this thesis, the primary focus of human security is on violations of physical integrity.

In Brazil, the authoritarian legacy is 500 years old and includes the politics of clientelism, patronage, and a militarized and racist police. The high levels of impunity for state agents and traditions of popular support for extralegal methods of dealing with criminality add to this legacy and have played decisive roles in sustaining the country's high levels of violation of physical integrity. In addition, Ahnen (1995) suggests that violence in Brazil (most notably police killings) has also been affected by political partisanship. States with governors from the center-right and the right side of the political spectrum had higher levels of police killings than states led by leftist administrations. Ahnen's findings show that right wing governors often chose to fight criminality with a tough approach (and the population widely supported such an approach) (1995). On the other hand, Mitchell and Wood (1998) believe that civil and human rights violations in Brazil are caused by a racist and classist system that has evolved over the centuries.

Clark (2008) and Reames (2007) highlight that a large percentage of violence that occurs in the metropolitan area of São Paulo is caused by the current structural system. In other words, the security apparatus inherited an authoritarian structure that remains intact until these days. In addition, state actors, who are highly military in appearance and in doctrine, continue to enjoy a high level of impunity since they cannot be tried by civil courts (as mandated by the Constitution of 1988). Clark's research also provides four structural explanations for the causes of state violence: reaction to crime, violence against police, inequality, and social threat to elites. Reames (2007), who focuses his study mainly on the authoritarian legacy, seems to agree that part of the problem of human rights violations relates to the failure to dismantle authoritarian public security policies based on this authoritarian system.

Neto (1999) also centers his research on police violence and points out that during the authoritarian regime, abuses were done to achieve political control. On the other hand, under the democratic regime, this practice was extended to include social and criminal control, which affects a large sector of the population. Further, he highlights three explanations for police violence: structural (social, economic, and political inequalities and presence of an authoritarian continuity); functional (when changes are taking places especially at social, political and economic levels); and process (violence is practiced to benefit or protect organizations or classes).

Caldeira and Holston (1999) take a similar approach and associate systematic violations by state and nonstate actors towards the population as a structural issue causing Brazilian to live in a disjunctive democracy. According to the authors, these are fragile democracies that have somewhat implemented a fair political democracy but failed to enhance and protect citizenship rights. Alternatively, Hinton (2005) seems to explain this problem of violations of physical integrity by using a more functional and process approach. For instance, he argues that with the creation of the police in Brazil, governing authorities have used the police to contain deep political and social schisms. Similarly, Lemos-Nelson (2001) links the illegality of police violence to politicization and control by the executive in the long run.

As briefly illustrated, over the years, scholars have focused entire research projects investigating the roots of violations of physical integrity in Brazil by state and nonstate actors. These researchers have shared well documented reasons for the high levels of violations of physical integrity. Keeping this context in mind, the next section

examines and compares the levels of institutional and noninstitutional violence during the military dictatorship of 1964 and the current democratic regime.

4.2. Institutional Violence

Two of the most trustworthy sources in Brazil responsible for compiling information about human rights abuses during and after the military dictatorship, *Brazil Nunca Mais* (1985) and *Comissão de Familiares de Mortos e Desaparecidos Políticos* (1995), reveal that throughout the twenty-one years of military control in Brazil, over three hundred people, mainly those believed to be political dissidents, were killed or disappeared. In addition, it is estimated that roughly 1,600 people were tortured between 1964 and 1974 and nearly 8,000 people were arbitrarily detained (*Brazil Nunca Mais*, 1985; *Comissão de Familiares de Mortos e Desaparecidos Políticos*, 1995). It is important to highlight that the intensity of institutional violence varied during the three phases of the authoritarian regime, the coup and stabilization (1964-1967), *Linha Dura* (1968-1973), and *Distensão* and *Abertura* (1974-1985). Noticeably, the period of *Linha Dura* became known for reaching the peak of political repression and is considered as the darkest years in which most of human rights violation took place.

However, during this period, the levels of violations of physical integrity in Brazil might not be excessive when compared with Argentina, Uruguay, and Chile under their military regimes when viewed merely as numbers. According to Stepan (1988), when assessing the percentage of those who were killed by state agents, in 1973 and 1974, Chile ranks the highest. When comparing the percentage of those disappeared, between 1975 and 1979, Argentina leads the pack (See Table 4.1). When evaluating the

percentage of those detained, interrogated, and intimidated between 1975 and 1979, Uruguay takes the lead. Even though Brazil's numbers on human rights abuse were much lower than other Southern Cone countries, these numbers are still significant. Although Brazil has long presented itself as having a nonviolent history, during the military dictatorship violations of physical integrity increased significantly compared to previous regimes.

Table 4.1: Disappearances in Brazil, Argentina, and Uruguay (1975 and 1979)

Country	Number Disappeared	Total population in 1975	Disappeared per 100,000 people
Argentina	8,960	28 million	32
Uruguay	26	2.6 million	1
Brazil	125	125 million	0.1

Note. Adapted from *Argentina: Nunca Mas*, 1984; *Brasil: Nunca Mais*, 1985; *Party Strategies and Redemocratization: Theoretical and Comparative Perspectives on the Uruguayan Case*, C. Gillespie, 1987; *The Report of the Argentine National Commission on the Disappeared*, 1984; *Rethinking Military Politics: Brazil and the Southern Cone*, A. Stepan, 1988.

* The information on Chile is not available for this time period.

Moreover, it is important to keep in mind that these are conservative estimates, and human rights groups continue to find mass graves throughout Brazil. For instance, a mass grave was discovered in 1990 in the Dom Bosco cemetery in São Paulo. The grave contained roughly 2,000 human remains, and it was believed that 15 political prisoners had been hidden amongst the other bodies (Amnesty International, 1996). Two years later, new excavations began in the Ricardo de Albuquerque Cemetery in Rio de Janeiro, in which 14 political prisoners were believed to be hidden. However, due to the lack of

funds and political and military pressure, exhumations were suspended in March 1993 (Amnesty International, 1996). Some of these challenges and others illustrate how it is nearly impossible to fully and accurately unveil the past in Brazil. The magnitude of clandestine mass graves in Brazil could be exposed if there were enough resources and political and civil willingness to excavate places as far and remote as the Amazon.

Pressure from military and the police on the democratic leaders to not investigate this issue prevents these leaders from helping human rights advocates and families of victims to fully unveil the past and seek compensation. Throughout Latin America, violations of physical integrity by state and nonstate agents working for authoritarian regimes continue to be contested during the democratic regime. As a result, the democratic system loses credibility and the rule of law is weakened because it fails to bring perpetrators to justice.

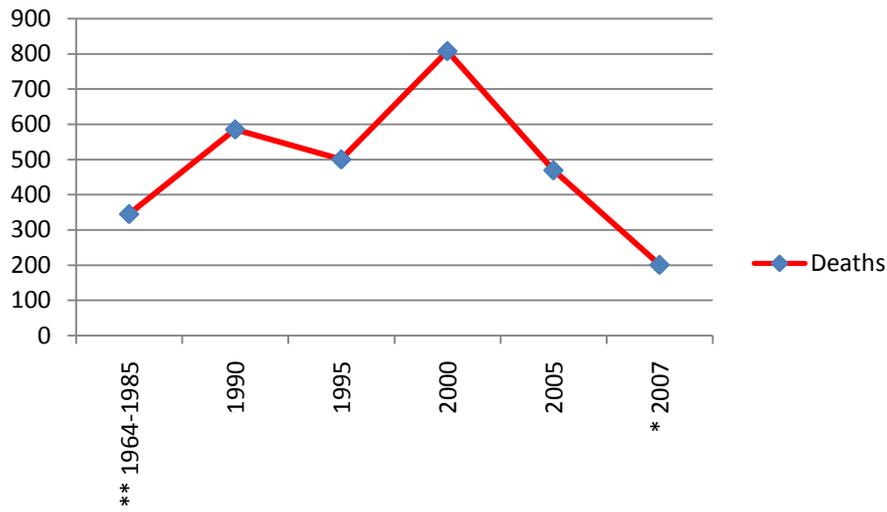
Since the return to democracy in Brazil, the media and international human rights groups have served as watchdogs and the government has become more transparent on human rights violations. However, during under democratic governments, the number of police killings in some of the major cities (e.g., São Paulo and Rio de Janeiro), in any given year has either equaled or surpassed the total number of institutional killings for over two decades of the dictatorship (See Table 4.2). The data suggests that during the 21 years since the end of the military dictatorship, institutional killings were and continued to be much higher annually than during the authoritarian regime. It is important to highlight that during the authoritarian regime the primary victims of institutional killings were political targets. On the other hand, under the democratic regime, victims

were not only political but predominantly the marginalized people (e.g., mainly the poor and dark skin).

Similar to the authoritarian regime, the intensity of institutional violence also varied throughout the democratic regime. During the first few years of the democratic transition, killings by state agents seemed to be more accentuated, indicating that Rustow's (1970) hypothesis¹⁸ is valid in the case of Brazil. Killings reached a peak during the early 1990s. Governors Orestes Quercia (1987-1991) and Antonio Fleury Filho (1991-1995) adopted a *mao forte* approach or tough hand and reversed many of Governor Montoro's (1983-1987) policies which he intended to reduce human rights violations and police violence by reforming the police (Caldeira and Holston, 1999). In 1991 and 1992, police killings reached 1,074 and 1,479 respectively (Chevigny, 1995; Caldeira and Holston, 1999). Given the high levels of police killings as a result of the governors' crackdown on suspect criminals, pressure from human rights groups forced both governors to soften their hardline tactics (Caldeira and Holston, 1999).

¹⁸ Rustow among other highlighted that countries transitioning from authoritarian regimes to democratic systems are expected to go through an increase of violence. See *Reforming Civil-Military Relations* (Huntington, 1995).

Table 4.2: Institutional Killings in São Paulo (1964-2007)



Note. Adapted from *City of Walls: Crime, Segregation, and Citizenship in São Paulo*, T.P.R. Caldeira, 2000; Americas Watch, 1989.

* In 2007, there were 200 homicides committed by police in the first six months (data available only includes this time period and does not cite any military killings).

** This estimate includes the total number of institutional homicides (committed by armed forces and police combined) for the entire 21 years of the military dictatorship.

Cavallaro and Mohamedou (2005) state that in an authoritarian regime, the police often suppress not only dissents but also criminality. As a result, these regimes appear to be effective at crime control. In fact, crime control in some cases is achieved but at a high cost to the rule of law and individual rights. Therefore, it is not easily determined whether a more democratic government increases the visibility of certain crimes, or produces conditions in which new forms of crime emerge. For instance, it is difficult to pinpoint whether robberies or assassinations have always been frequent but are only being reported at higher rates during democracy—or whether the crime rate is actually high. In addition, in the case of Brazil since the return of democratic rule, it is uncertain whether criminal activity has moved from poor to rich neighborhoods or from one part of the

country to another. Finally, the role of the media is equally important and how they use sensationalism to report these issues (Cavallaro and Mohamedou, 2005).

4.3. Noninstitutional Violence

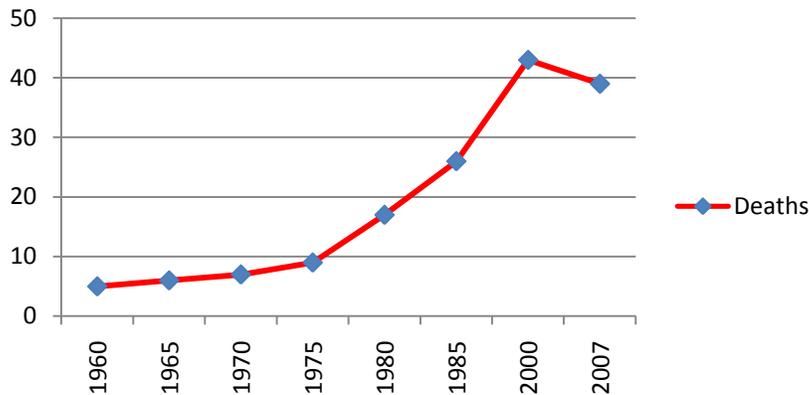
Since the return of democracy in Brazil, there has also been an increase in levels noninstitutional violence, specifically in violent deaths. These killings were perpetrated by institutional but mostly noninstitutional actors, who were mainly motivated by nonpolitical motives. For instance, the homicide rates in São Paulo during most of the military dictatorship were below 20 per 100,000. During the transitional government of Neves/Sarney (1985-1989), homicides began to increase significantly varying between 25 to 35 per 100,000 (See Table 4.3).¹⁹

There are many reasons which explain why some transitions from authoritarian regimes to democratic systems can become messy and see an increase of violence. Caldeira and Holston (1998) explain that in some cases, authoritarian regimes can have much lower homicide rates for noninstitutional crime than their democratic successors due to higher levels of surveillance and harsher consequence. Even though this might seem expected determining the causality and/or correlation of such issue is complicated and complex. Pinheiro (1994) argues that one of the reasons for an increase of violence during these transitioning governments is due to the failure to dismantle the authoritarian structure of the state's security apparatus. For instance, Zaverucha (2007) contends that in Brazil, the military gave up the government but never the power. He further argues that in

¹⁹ São Paulo and Rio de Janeiro were ranked in 1985 as having some of the highest homicide per capita rates in the world (See Chapter III) (Population Crisis Committee, 1985).

any consolidated democracy, the armed forces do not have control over the police nor do they have a role mandated by the constitution as the keeper of law and order.

Table 4.3: Homicide Rates in São Paulo (1960-2007)



Note. Adapted from *Mortalidades Por Causas Violentas, No Município de São Paulo Brasil: Mortes Violentas no Tempo*, J. M. De Mello, 1980. *Jovens, Educação e Homicídios no Município de São Paulo*, M. R Costa, F. Garcia, C. R. Lucinda, 2008 in *Economia Social no Brasil* Dowbor, L., S. Kilsztajn, (2008). *Movimento do Registro Civil do Estado de São Paulo*, 1969 and 1973.

As seen in Table 4.3, up until 1975, homicide levels remained under 10 per 100,000 people, which was still high but not much higher than other countries in the Americas (See Chapter III). Homicide rates significantly increased as the country began to enter the *Abertura* (1975-1985) and during the first few years of the new democratic leadership (1985 until the early 1990s). During this latter period, unlike the military dictatorship, state and nonstate actors continued to commit violations of physical integrity, harassing not only political but nonpolitical targets. It seems that an increase of institutional and noninstitutional violence towards non-political targets since the end of the dictatorship can be attributed to widespread impunity. Since 1985, the national government has not been able to fully ensure that state authorities are abiding by national

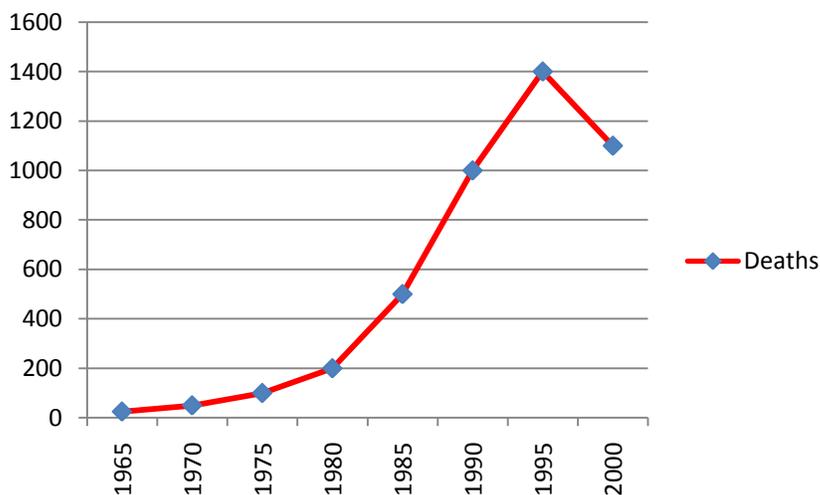
and international human rights treaties and laws. On the other hand, media and public concerns about increasing levels of violence and crime also motivated these underfunded, poorly trained, and often corrupt police forces to further use repressive measures (Amnesty International, 2003a). In many cases, these police officers perpetrated such violence while off-duty and/or as part of death squads.

The inadequacy of the Brazilian rule of law and high impunity levels throughout the country's history has also led to an increasing level of violence committed by death squads.²⁰ During the first few years of the Brazilian military dictatorship, the state contributed to the creation and training of a few special groups within the police (e.g., RONE, DEIC, and DOPS) known to act as death squads. Although one might think that under an authoritarian regime, the elite in power would not bother to utilize death squads; in the case of Brazil the generals always worried about maintaining their image as protector of the people and often used death squads to do their dirty work. In addition, under the authoritarian regime, death squads were formally made part of the security apparatus rather than being only "personal and traditional" as they had been before the authoritarian regime (Campbell, 2000). Starting in the *Abertura* period, the military had crushed political dissidents and guerrilla groups. As a result, these supposed subversives were not seen by the military junta to be a threat to the national security of the country at that point. Therefore, the military did not need to covertly support these death squads but did not dismantle or crack down on these groups but simply allowed them to exist and turned a blind eye upon the squads' extrajudicial acts.

²⁰ Death squads are usually composed of off-duty cops, on-duty cops, and civilians who perpetrate "extrajudicial murder and other extrajudicial acts" (Campbell, 2000, p.2).

During the democratic transition, death squads were maintained through covert support from governmental agencies and overt support from different sectors of the population (Huggins, 1998). This support created a lucrative business of extortion, kidnapping, and protection of the businesses of the higher classes. As a result, police officers were being attracted to join death squads (US Department of State, 2004). For instance, a study in the early 1990s indicated that 27% or 8,000 police officers of the Rio de Janeiro police force were invited, at one time or another, to join death squads (Inter-American Commission on Human Rights). According to the Inter-American Commission on Human Rights, local politicians continued to regularly support death squads. Since the transition, the elites were determined to maintain the status quo and their control over the country's masses and the resources. Therefore, the extrajudicial executions of *marginals* and social cleansing of the lower classes became a continuing problem with the return to democracy (US Department of State, 2004). In fact, the number of death squad killings also rose significantly since the end of the military regime.

Table 4.4: Suspected Number of Death Squad Victims in the State of São Paulo (1965-2000)



Note. Aadapted from *Mortalidades Por Causas Violentas, No Município de São Paulo Brasil: Mortes Violentas no Tempo*, J. M. De Mello, 1980. *Jovens, Educacao e Homicídios no Município de São Paulo*, M. R Costa, F. Garcia, C. R. Lucinda, 2008. *Movimento do Registro Civil do Estado de São Paulo*, 1969 and 1973.

* Data not available between 2000 and 2007

In Table 4.4., death squads killings were not substantial during much of the authoritarian regime, since there were state actors also committing violations of physical integrity. In addition, the armed forces kept tight control over the country's security apparatus. During most of the period of authoritarian rule, death squads operated with the support of the generals and their role was to harass political dissidents. Beginning with the process of *Abertura*, the generals shifted their focus to other preeminent issues, such as the severe economic downturn, since the military had virtually defeated the political opposition. Consequently, state police had more independence to pursue their own agendas without much interference from the federal government.

To conclude, due to an increase in crime rates and to the failure of security institutions to curb violence, death squads reemerged since the return to democracy as a mechanism utilized by the elites to protect their interests. Since the end of the military dictatorship, the levels of violations of physical integrity have increased. For instance, during the military dictatorship, victims were mainly political, where as since the democracy, suspect *marginals* are both political and nonpolitical, and now the perpetrators are state actors as well as nonstate actors.

4.4. Conclusion

Since colonial days in Brazil, an authoritarian system has become deeply rooted and preserved over the years affecting many aspects of Brazilian society when it comes to

the levels of violations of physical integrity. For instance, clientelism, patronage, the militarization of the police, high levels of impunity for state and nonstate agents, and traditional popular support for leaders who fight criminality with a *mão forte* (strong hand) have maintained this culture of violence. It has been difficult to determine whether violations of physical integrity increased or decreased during the democratic and authoritarian regimes, how it affected different social and racial classes, and the impact on the citizens from different regions of Brazil (Cavallaro and Mohamedou, 2005). Data on violations of physical integrity are not easily available nor reliable (neither for the authoritarian regime nor the current democratic system). With this in mind, despite the efforts of human rights groups and the media to collect information on human rights violations, any comparative study in Brazil that analyzes violations of physical integrity is limited by the quality and quantity of the data available during both periods.

Brazil might be one of the few democracies in which the military is still powerful enough to maintain a strong voice and influence over the country's security apparatus and in some cases over other non-security issues. Since the transition to democracy, the civilian leadership seems to have become more dependent on the military to maintain internal security. In addition, the credibility and levels of trust of the population towards the military continues to increase. On the other hand, the police keep losing credibility, and they are seen as corrupt, incompetent, and the protectors of the elites' interests. Also, historical turf battles between civil police and military police intensified during the democracy, as the democratic leadership failed to dismantle the authoritarian structure of the police.

In sum, Brazil's democracy appears to be developing a new hybrid regime along the lines of many other regimes that fall into this category now. This new system consists of an electoral democracy which seems to be on the right path to consolidation yet if violence and the rule of law are as weak as it seems, consolidation has not been achieved. Also, Brazil's economy continues to expand, thus, lifting millions from below the poverty level. However, when it comes to public security, the system in place is failing to protect the citizens from state and nonstate agents. Therefore, if compared with other countries, levels of violations of physical integrity in Brazil can be worse than many authoritarian regimes and currently declared-war countries.

5. Conclusion

In the beginning of this thesis, a number of questions were raised about the high levels of violations of physical integrity during Brazil's military dictatorship and continuing under its democratic regime: Why has human security improved measurably under democracy in some areas of human security but not in others? Could a military orchestrated transition to democracy contribute to a flawed democracy, resulting in partial improvements in some areas of human security and/or slower progress in others? Or is it the country's old politics of clientelism and patronage that are contributing to this shortcoming? In this concluding chapter, I summarize findings regarding violations of physical integrity by state and nonstate actors which are based in economic, social, and political inequalities. Lastly, this chapter provides an analysis of the constraints I experienced during the course of this research and suggests areas for future research.

While several factors (e.g., economic, racial, historical, and social) may have influenced the country's levels of violations of physical integrity under the dictatorship and democracy, one particular variable must be reevaluated. This variable is certainly the role of the military in Brazil's security apparatus, which has shaped the militarized structure of the Brazilian police since the transition to democracy. This is an important issue in contemporary Brazil since much of the violence in the country continues to be perpetrated by state actors.

Why is it imperative to analyze the role of the military in politics? Stepan, Diamond, Pinheiro, Bicudo, and Zaverucha have long expressed concern over the possibility of a military that operates without complete democratic subjugation. In fact, in

1988, three years after the transition to democracy in Brazil, Alfred Stepan wrote in his book, *Rethinking Military Politics- Brazil and the Southern Cone*,

“The military has probably been the least studied of the factors involved in new democratic movements. For instance, in Brazil, in the first decade of the political opening of the authoritarian system, there was an outpouring of critical publications on authoritarianism in general, and on torture. Yet virtually no systematic publications in any language appeared on the role of the military in the process of liberalization. In many of the newly democratizing polities, the absence of a tradition of autonomous civilian thought about military affairs is now emerging as a critical problem.”

(1988, preface)

Nearly three decades later, the democratic leadership has not only been unable to fully keep the armed forces from interfering in politics but they continue to rely on the army to help deter ordinary crimes (Bicudo, 1999; Pinheiro, 1999; Zaverucha, 1999). This reaffirms the question whether any democracy can become consolidated without having the military under full civilian control.

In 1964, a new kind of regime came to power in Brazil: the military dictatorship. This regime set a number of precedents for other Southern American countries. The authoritarian regime left an ideological and practical legacy as well as a mind-set in civil-military relations that even today has been difficult to dismantle (Stepan, 1988). When compared to Argentina, Uruguay, and Chile, it is true that the dictatorship in Brazil disappeared or tortured fewer of its citizens. On the other hand, the Brazilian generals succeeded in the development of an intelligence organization with the greatest level of

“statutory-based role expansion and nonpersonalistic institutionalization within the state apparatus” (Stepan, 1998, pp. 14-15). In other words, the implementation of the Constitution of 1969 and the Institutional Acts allowed the military to successfully militarize Brazilian laws. Consequently, the militarization of some laws created barriers (e.g., military courts) that prevented civilians from prosecuting military personnel or even holding them accountable for their crimes (Zaverucha, 1999).

In many developing countries, and to a great extent in Brazil, the military preserved its autonomy in relation to civilians and the regime in place at the time whether authoritarian or democratic. According to Welch (1987), in some countries, the military has become a very fortunate institution. When looking at the role of the military in Brazil, during the authoritarian and democratic regimes, it is fair to state that the role of the military in Brazilian politics has been an exception. This is because the Brazilian military maintained a great degree of tutelage and influence over political and security policies. For instance, in 1991, President Collor approved Complementary Law 69, making the armed forces the guardians of law and order (just as in the authoritarian constitution of 1969).

While the influence of the military in politics is usually restricted in consolidated democracies, Zaverucha (2005) states that in semidemocracies the coexistence of democratic practices and authoritarianism is common, and this often prevents consolidation. Nevertheless, as the years go by, many democratic institutions will become more autonomous and democratic consolidation will gradually occur. However, this may not be the case in Brazil, given that it has been nearly three decades since the transition to democracy, and even now one cannot assume that the country’s democracy is making any

progress in eradicating its authoritarian legacy. In fact, we have been seeing the opposite; in many ways the state remains beholden to the military and stays authoritarian in its practices while operating in coexistence with a political democracy. In sum, the generals left the government but never gave up the power, which challenges degree of consolidation (Zaverucha, 2005).

The Constitution of 1988 is believed by many to be a hallmark and a victory for the Brazilian democracy. However, the new constitution failed to break from the past. The military's influence remains strong when it comes to the decision making process regarding public security policies. The way the constitution is written mixes external security issues (such as border security) with internal public security issues (such as ordinary crime). Much of the approach to internal security (e.g., Operation Rio)²¹ has become more militarized over time. Separating the roles of the military and police often poses a challenge for new democracies but is not impossible. Spain has succeeded in this effort. For instance, in peace time, the *Guarda Civil* in Spain is subordinated to the Interior Ministry, and under war time, to the Defense Ministry. In Brazil, the police are still auxiliary to the armed forces at all times. What we see in Brazil is a military structure operating as a police force, in which there are more troops than police when it comes to the maintenance of internal law and order (Zaverucha, 2005).

Under Brazil's authoritarian regime, the military strengthened the role of the military police and turned them into part of the repressive apparatus. The armed forces were also responsible for assisting and training some of the police force at some of their own schools of war, further reinforcing the military instruction of the military police.

²¹ In 1994, ordered by the state governor and federal government, the armed forces intervened in some areas of Rio de Janeiro (e.g., *favelas*) to curb violent crime (Zaverucha, 2000).

Police officers often learned from the military new interrogation techniques, such as how to fight and survive in the jungle, subversive propaganda, and the manipulation of heavy artillery machinery (Zaverucha, 1999). Thus, with the Constitution of 1969, the police was subordinated to the armed forces in three areas: military training, military courts, and military regulation (Zaverucha, 2005).

As part of the negotiations regarding the transition of power, since the transition to democracy the armed forces have been able to maintain control over many aspects of the police. Even today, the police are obligated to share intelligence reports with the commanders of the army, including information about the governor of each state. This complicates the nature of checks and balances of any federative system (Zaverucha, 2005). Further, the Constitution of 1988 has not decreased the subjugation of the police to the military to any great extent. For instance, the armed forces is responsible for organizing the military police; provides armaments and in some cases mobilize them. This kind of control is common in authoritarian regimes, but such circumstances only occur in consolidated democracies in emergencies such as in times of war (Zaverucha, 2005).

Over its history Brazil has developed a military culture in which the soldier has a mission to save the nation from any internal and external threats (Freitas, 2003). This system has weakened civilian rule and strengthened the military authority over internal security issues. In fact, the military continues to maintain such influence because is it trusted and supported by large sectors of the population. This military control, of not only external but also internal security matters, has been delaying the Brazilian police from becoming more democratized. Because of high impunity levels and the militarized

structure of the Brazilian police, violations of physical integrity remain high. Meanwhile, the overall crime rate is extremely high. During the military dictatorship and democracy this role is sustained by the support of civilian and military governmental officials, large sectors of the population, and the mentality of supporting a *mão forte* (strong hand) to fight criminality. As a result, this situation affects the overall approval rates for democracy in Brazil, which are much lower when compared to other Western democracies. In countries where the support for democracy is not universal, consolidation will take longer. Therefore, this is one issue that has come out of this paper that needs to be researched further.

After twenty years of democracy, because of the role of the military in politics, the rule of law is still highly ineffective. As pointed out by many scholars (Bicudo 2000; Diamond, 1999; Pinheiro, 1999; Zaverucha, 1999) democracy and the rule of law are unlikely to consolidate without the subjugation of the armed forces to civilian authority and the democratization of the police. In order to have a chance at consolidating its rule of law, the Brazilian judiciary must be reformed as well since it has remained one of the few institutions without going through significant reorganization since the transition. As mentioned earlier, in countries where large segments of the population do not believe that the judicial system are delivered to them, — what O'Donnell (1993) classifies as incomplete citizenship or low-intensity democracies, the rule of law has not been achieved.

Earlier in this thesis, some questions were put forth about the the rule of law in Brazil during the military dictatorship and current democratic regime: Is Brazil an electoral democracy? Is it a pseudodemocracy? Or is it a delegative democracy? One can

argue that currently the country show signs of all three systems. On the other, I would argue that in some areas Brazil's democracy and rule of law is moving towards consolidation. However, a discussion of Brazil's consolidation of its regime would be beyond the scope of this thesis and it is another area that needs further research.

In addition, a setback inherited from the authoritarian regime that urgently needs to be addressed in order for consolidation to occur relates to the public's understanding of the protection of human rights. Brazil could be one of the few democracies in which human rights are often believed by many classes of Brazilians to be "privileges for bandits" (Caldeira, 2000, p. 340). Since the transition, the Brazilian media have become relatively free, thus enabling them to collect information on violations of physical integrity. However, information on this issue is still unreliable and difficult to get. Therefore, any study of Brazil that examines violations of physical integrity lacks credibility because of the lack of data available during both periods. This is especially the case when one is investigating violations perpetrated by state agents (since the governments likely covered up evidence to avoid domestic and international scrutiny).

The lack of information on violations of physical integrity during both periods constrained this research to focus mainly on São Paulo (and to a lesser extent Rio de Janeiro). As a result, this omits some of the country's largest cities and also violent, such as Recife and Fortaleza. In addition this study was also narrowed to a metropolitan area, excluding serious human rights violations that have occurred in the rural areas, which involved the *Movimento dos Trabalhadores Rurais Sem Terra* (Landless Rural Workers Movement) and indigenous tribes of the Amazon and other remote areas. Also, due to similar limitations, this research does not center on violations of physical integrity based

on gender, race, and age. A debate on violations on these three areas requires another in-depth thesis.

In sum, when compared with other countries, the levels of violations of physical integrity in democratic Brazil may be even worse than those in many authoritarian regimes (and even for countries at war). This situation needs more careful examination given the fact that Brazil is becoming a regional player and a model and champion for developing countries to follow due to its economic progress and the implementation of a fairly stable electoral system. Furthermore, the eyes of the world will turn to Brazil with the choice of Rio de Janeiro to host the Olympic games of 2016. Therefore, the mere achievement of an economic advancement will not be sufficient—the country also needs to consolidate its rule of law.

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