



association pour la prévention de la torture  
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- **PUBLIC STATEMENT**

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## Recommendations on the prison system in the State of Maranhão

**Geneva/São Paulo, January 10, 2014.** The atrocities and brutal violence that occurred in the State of Maranhão among people deprived of their liberty, with the death of 60 people in prisons and reports of rape of female relatives during prison visits, demonstrate the deepest disrespect for human dignity by those who are responsible for guaranteeing the physical and mental well-being of persons in their custody and for ensuring the safety of all citizens, both inside and outside prisons.

The Association for the Prevention of Torture (APT) and the Catholic Bishops' Conference Prison Ministry of Brazil condemn the serious violations of human rights that occurred in Maranhão's prison system. We express our greatest concern regarding the omission by state authorities, the Executive, Legislative and Judiciary branches, the Prosecutor's Office and the federal government, in taking concrete measures to avoid and prevent these violations.

The prison system of Maranhão, characterized by severe overcrowding, a high rate of prisoners in pretrial detention, and the centralization of prisons in the capital, continues to exhibit a situation of ongoing risk that needs to be broadly debated in order to achieve a real change and avoid the repetition of such tragic events.

The violence within the prison system, as well as that which takes over the streets of the State of Maranhão, have its roots in much broader and more complex factors that go beyond the prison system itself. The political and economic system that permeates the State feeds into the extreme social and economic inequality of its population, the endemic corruption, and the weakening of democratic institutions, which, in turn, contribute to perpetuating poverty and increasing the vulnerability of much of its population. Maranhão is the state with the second lowest human development ranking in the country.

We recall that the State, when depriving a person of liberty, takes on the specific and material commitment of guaranteeing his or her fundamental rights and has a duty to take all preventive measures necessary to ensure the observance of human rights, particularly the rights to life and physical and mental integrity. It is not admissible under any circumstances for the State to leave people in detention at their own risk, exposing them to situations of permanent risk, threats of violence, and abuse by other detainees.

The responsibility of the authorities of Maranhão is even greater, considering that these deaths and acts of violence could have been avoided. Local civil society organizations had denounced the worsening and aggravation of the tension and violence inside prisons on previous occasions, through reports and public hearings.

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Recommendations of the APT and the Prison Pastoral of Brazil on the prison system in the State of Maranhão

Therefore, the APT and the Catholic Bishops' Conference Prison Ministry of Brazil urge the state and federal authorities to direct the administration of prisons according to the principle of absolute prevalence of human dignity, and to take effective measures to implement systemic and long term changes in the criminal justice system, inviting civil society organizations to actively participate in the debate and the decision-making process.

Among those actions we emphasize the need to:

- Put the Federal Police and Justice in charge of investigating and processing the events that took place and prosecuting those found directly and indirectly responsible, i.e. those who have the responsibility to ensure the physical integrity of detainees, but neglected to do so thus failing in their duty to act.
- Establish and implement local and national mechanisms to prevent torture, according to Law 12,847, which was passed in 2013.
- Ensure effective participation of civil society and social movements, at both national and local levels, in the oversight bodies of penitentiary institutions as well as public safety and law enforcement agencies.
- Replace the current criminal justice model based solely on the construction of more prisons by a model which prioritizes and invests in alternatives and peaceful forms of conflict mediation.
- Restructure the administration of the criminal justice system in Maranhão, especially looking at the sentencing process.
- Strengthening of the State Public Defender's office, increasing the number of public defenders in the state.

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