



## **MILITARY RESPONSES TO PRISON VIOLENCE IN LATIN AMERICA: A BIG MISTAKE OR A NECESSARY EVIL?**

**Date:** November 25, 2022

*Disclaimer: This briefing note contains the encapsulation of views presented by the speaker and does not exclusively represent the views of the Canadian Association for Security and Intelligence Studies.*

### **KEY EVENTS**

On November 25, 2022, Dr. William Godnick, Professor of Practice at the William J. Perry Center for Hemispheric Defense Studies, presented on *Military Responses to Prison Violence in Latin America: A Big Mistake or a Necessary Evil?* The presentation was followed by a question-and-answer period with questions from the audience and CASIS-Vancouver executives. The key points of discussion included the overpopulation of prisons in Latin America, how this can contribute to the reproduction of crime, a brief overview of prison riots in Latin America, and the interventions implemented to deal with these riots.

### **NATURE OF DISCUSSION**

#### **Presentation**

Dr. Godnick presented the findings of his research on prison riots in Latin America and highlighted the likely human rights violations and reproduction of crime happening within prisons. He also discussed the possible pitfalls of measures taken in Latin American prisons and how they can prevent progress within prisons and rehabilitation for prisoners.

#### **Question & Answer Period**

During the question-and-answer period, Dr. Godnick discussed how the situations within prisons can be a reflection of a country's model of governance and how restorative justice systems can be beneficial, as well as the fusion between cybercrimes and traditional crimes.

## BACKGROUND

### Presentation

At the beginning of his presentation, Dr. Godnick highlighted that the punishment of going to prison is the restriction of liberty and freedom to do certain things, not the conditions in which an individual is often forced to live. However, it has become common to think that the bad conditions in which prisoners have to live is part of the punishment.

Dr. Godnick stated that prisons in Latin America are a situation of human rights vulnerability and a context of criminal reproduction. According to his research on prison riots in Latin America (2020-2021), the four countries with the highest prisoners per 100,000 population are El Salvador (572), Cuba (510), Panama (416), and Costa Rica (395).

Furthermore, many prisons in Latin America are holding more prisoners than what they can humanely hold, with Haiti being at 454% capacity, Guatemala at 357%, Bolivia at 264%, and Honduras at 196%; the installations are precarious and health services are deficient; rehabilitation services are lacking; and there is an overuse of pre-trial detention, with the four countries with the highest percentage of prisoners without trial being Haiti (82%), Paraguay (71%), Bolivia (64%), and Honduras (54%). These percentages show that more than half of their prison population has not received a date in court, which is a concern as there are also many innocent people incarcerated.

These same vulnerability issues have turned prisons into contested zones with high levels of criminal activity, interpersonal violence, corruption and abuse by guards, and systemic criminality. Dr. Godnick noted that in some prisons, they separate gangs. However, this becomes a paradox because, on the one hand, it can help prevent violence, but on the other hand, it reinforces their criminal activities. Additionally, a possible pitfall for those who are incarcerated without having a trial is that they can become involved in worse criminal activities than what they were arrested for.

According to Dr. Godnick's findings, the majority of violence in Latin American prisons was among prisoners themselves. Of the 67 prison riots he analyzed, 26 of them resulted in a number of fatalities that ranged from one to more than 100 dead in each riot. Twelve of those riots involved industrial firearms, four involved organized criminal groups, and 17 of them involved military interventions.

Dr. Godnick noted four types of prison interventions in Latin America: no military intervention at all, military perimeter security, military police accompanied and use of military force when necessary, and total military control of the prison system. Although Dr. Godnick did not find any evidence that the military were killing prisoners, he stated that deploying the military can prevent reforms that are necessary for the rehabilitation of prisoners and reduction of violence.

International law, such as The Nelson Mandela Rules, also known as the UN Rules for the Minimum Treatment of Prisoners, addresses the issues observed in Latin American prisons. Rule 48, for example, states that the use of lethal force should be the last resort during riots. However, since the military is being deployed to many Latin American prisons, this could be an issue because soldiers are trained to kill the enemy, not to resolve riots by subduing prisoners. Additionally, one should keep in mind that without changing the structures of the prisons and the level of criminality within them, military interventions will continue to prevail.

To conclude, Dr. Godnick emphasized that dealing with contested zones within prisons can allow data triangulation and provide intelligence on groups' most prevalent criminal activities, who is participating in what, and the level of corruption among prison guards.

### **Question & Answer Period**

During the question-and-answer period, Dr. Godnick noted that prisons are the reflection of the model of governance and approach to criminality of a country. In Latin America, there is often a failure to manage and organize prisoners' lives inside the prisons. Dr. Godnick highlighted that taking a look at restorative justice systems for non-violent crimes would help reduce the amount of people imprisoned. Further, he reiterated that the tendency to resort to military interventions takes pressure off politicians, but the progress towards reforms are slowed down.

In terms of the crimes that are run from inside prisons, Dr. Godnick stated that the main crimes seen in the West, such as the trafficking of drugs, firearms, and people, have grown into cyber activities that are led out of prisons in Brazil and Mexico. New types of cybercrimes and extortion are fusing and are happening within confined zones of state property. Dr. Godnick stated that this is now an acceleration of what can be done with impunity even within prisons.

## KEY POINTS OF DISCUSSION

### Presentation

- The punishment of going to prison is the restriction of freedom and movement, not the conditions in which prisoners are sometimes forced to live.
- Prisons in Latin America are a situation of human rights vulnerability and a context of criminal reproduction.
- Many prisons in Latin America are holding more prisoners than what they can humanely hold, have installations and health services that are precarious and deficient, lack rehabilitation services, and there is an overuse of pre-trial detention.
- Vulnerability issues have turned prisons into contested zones with high levels of criminal activity, interpersonal violence, corruption and abuse by guards, and systemic criminality.
- Analyzing contested zones within prisons can allow data triangulation and provide intelligence on groups' most prevalent criminal activities, the prisoners' level of participation, and the level of corruption among prison guards.

### Question & Answer Period

- Prisons reflect the model of governance and approach to criminality that each country takes.
- Military interventions in prisons take pressure off politicians, but they also hinder progress.
- Traditional crimes seen in the Western, such as drug, firearms, and human trafficking, are fusing with cybercrime and managed from prisons in Brazil and Mexico.



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