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## Death and Degradation in Troubled Chilean Prisons

by LADB Staff

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A flurry of prisoner deaths has brought renewed attention to a distressing yet often-ignored reality in Chile that left behind in the country's "miracle" rush toward First World status is a troubled prison system that the Corte Suprema de Justicia (CSJ) calls "inhuman, degrading, and cruel." In late April, fire broke out during a riot in Colina II, a large and typically overcrowded prison on the northern outskirts of Santiago. The blaze killed 10 inmates.

Less than two weeks later, in the same facility, a fight between rival gangs left two more prisoners dead. The deadly fire prompted an investigation by the CSJ, which subsequently released a report confirming what human rights groups have claimed for years that Chile's prison system is bursting at the seams, more or less incapable of rehabilitating its inmates, and extremely dangerous. The author of the report, prosecutor Monica Maldonado, described the system as simply "inhumane, degrading, and cruel."

### *Overcrowding a pressing problem*

The most pressing problem is overcrowding. In the past decade, the prison population has spiked, up 70% to nearly 54,000. Chile now has the highest incarceration rate (318 per 100,000 residents) of any country in Latin America. Neighboring Argentina, in contrast, jails just half that proportion, according to the UN's Latin American Institute for the Prevention of Crime and the Treatment of Offenders (Instituto Latinoamericano de las Naciones Unidas para la Prevencion del Delito y el Tratamiento del Delincuente, ILANUD).

The country's jails have beds for just 31,000 people, meaning the system as a whole is overburdened by approximately 47%. In many cases, jails are operating at literally double their capacity. The Valparaíso prison currently houses 2,896 inmates, far in excess of its 1,200-person capacity, Maldonado reported. The Santiago Sur prison is supposed to hold 3,170 prisoners but instead has nearly 6,700 inmates.

"The overcrowding is made worse by the fact that inmates must often stay in their cells for 15 hours a day. Generally speaking, the cells lack basic hygienic services, adequate light, and ventilation," wrote Maldonado. Maldonado's report also criticized the common practice of punishing inmates with solitary confinement, whereby prisoners are kept in dark, empty, sometimes toiletless cells for stints of up to 10 days.

"These people are kept away from daylight, in true dungeons," Congressman Gabriel Silber of the moderate Partido Demócrata Cristiano (PDC) told NotiSur. "There's the issue of the inmates' human rights. But the question should also be asked, can we really talk about the eventual social reinsertion of these people? Because they're going to leave [prison] even more hate filled, more aggressive. In the end this just hurts Chilean society."

Chile's justice minister admits the jails are "overburdened" but denies Maldonado's claim that the system as a whole is in "crisis." Nevertheless, outgoing President Michelle Bachelet's administration agrees on the need for prison reform and, in June, convened a special public-private committee that is expected to issue a series of recommendations by the end of the year.

### *Violence, suicides prevalent*

In the meantime, blood continues to spill in Chile's prisons. On Sept. 8, a 25-year-old man died in the Valparaíso prison after being stabbed in the chest by a fellow inmate. He is one of 49 convicts who have died in prison fights so far this year, two more than in all of 2008 and nearly double the number of deaths (26) in 2007, according to Chile's corrections department, Gendarmería.

Suicides are increasingly common as well. In late August, officials from a prison in Rancagua reported a group-suicide attempt involving five inmates who tried to hang themselves simultaneously in their solitary-confinement cells. One prisoner, 30-year-old Ruben Antonio Robles Valdivia, succeeded. Fifteen inmates killed themselves in 2009. Nine have done so this year.

"The conditions are horrible," said Francisca Werth, head of the Santiago-based think tank Fundacion Paz Ciudadana. "It's absolutely unacceptable that people who are deprived of their freedom should be deprived of their other human rights as well. There's the issue of hygiene and health. Plus think about the levels of violence and stress these people are living with. For them [jail time] is a matter of basic survival."

Analysts trace the recent spike in incarcerations to the Reforma Penal, an overhaul of Chile's antiquated "inquisitive" criminal-justice system, which introduced oral proceedings (previously cases were presented in written form) and went into effect gradually between 2000 and 2005.

The Santiago metro region, by far the country's most populous area, was the last of Chile's 15 regions to apply the changes. In 1999, the year before the Reforma was introduced, Chile's prison population was approximately 30,000. By 2003, it rose to 38,000. At the end of 2007, after the reforms reached Santiago, nearly 46,000 Chileans were imprisoned.

The courts have jailed some 8,000 more people in just the past year and a half. "Today we have a criminal-justice system that is much more efficient in its ability to investigate and punish. That's why you see this huge rise in the number of people deprived of their freedom," said Mauricio Duce Julio, a law professor at the Universidad Diego Portales. "The number of convictions has tripled. It's a structural change."

To address overcrowding and improve Chile's already well-documented infrastructure problems, former President Ricardo Lagos (2000-2006) followed a controversial trend already present in the US, France, and a handful of other countries and began outsourcing both construction and administration of new prisons to private contractors. The first of the private jails the same Rancagua prison where Robles Valdivia hung himself last month opened its doors in 2005. The company that built it, Belasco S.A., is traded publicly on Chile's stock market. Five other privately run prisons followed suit. Together they now house approximately 18% of the country's prisoners.

### *Private prisons create moral conflict*

Critics say prison privatization presents a moral conflict of interest as it gives both the companies that build and operate the jails and their shareholders an incentive to see more people locked up. Chile's experiment with the model has run into logistical problems as well. Some of the planned jails have been scrapped.

Others went well over budget. "The first ones had serious problems with design and execution. They took too long to build and cost more than expected," said Duce Julio. "There've been other problems as well, like a rise in suicides, which has been addressed by Diego Portales' [annual] human rights report and has to do with a model that stresses prisoner isolation."

Yet by most accounts, overall living and safety conditions are better in the new jails. Last year the Inter-American Commission on Human Rights (IACHR) sent a special rapporteur to inspect the Chilean prison system firsthand. The inspector, Florentin Melendez, found that the private jails "offer greater dignity" for inmates and their families.

"Overcrowding was not observed in the centers operating under concession, and there are adequate levels of nutrition and hygiene, internal security, appropriate separation of inmates by category, prevention of international violence, and prisons services that include medical attention and therapy," he wrote.

But even with the new, and already packed, prisons, Chile still has a major cell deficit. And, say observers, until the country can lower its spiking incarceration rate, any future facilities, whether public or private, will fill up just as quickly. "We need to ask ourselves whether we want to keep sending people to jail," said Deputy Silver, who recently visited several of Chile's largest prisons. "We need to ask ourselves whether it's been effective in fighting crime."

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