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Eighty-one Inmates Die in Chile's Deadliest Prison Fire

by Benjamin Witte-Lebhar

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A catastrophic fire last month in an overcrowded Santiago jail has prompted new calls to reform Chile's troubled prison system. Hardly the first such incident, the blaze, which killed 81 inmates, is widely regarded as the country’s deadliest.

The inferno, a sobering wake-up call for authorities who have long neglected the failing prison system, broke out Dec. 8 in Cárcel San Miguel. Among the dead was 21-year-old Bastián Arragiada, arrested just weeks earlier for selling pirated DVDs. Arragiada, like many of his fellow victims, was a first-time offender. He was scheduled to complete his two-month sentence Jan. 11.

An investigation into the exact cause of the early-morning fire is still underway. News reports suggest an inmate may have sparked the fire with a makeshift blowtorch (fashioned out of a gas cylinder) that ignited during an alcohol-induced argument among prisoners. Internet publication said such cylinders are common in the San Miguel prison, where, to compensate for the poor quality and distribution of official prison food, inmates use the gas tanks to heat up meals brought by their families.

No doubt investigators will focus attention on the dangerous cylinders as well as question how the prisoners obtained alcohol (they reportedly made it), why so few guards were on duty, and why the inmates could not have been evacuated sooner. For many observers, however, all the questions point to the same overall problem: grossly overcrowded and decrepit, Chile's prison system is simply broken.

The point was not lost on President Sebastián Piñera. "Chile’s prison system is not worthy of a country that treats its people in a civilized way," he said following a Dec. 9 visit to the scene of the "hugely painful tragedy." He added, "We cannot keep living with a prison system that is absolutely inhumane."

"Perfect garbage cans"

Such language has surfaced before. Following an April 2009 fire that killed 10 in Colina II, a prison on the outskirts of Santiago, Corte Suprema de Justicia (CSJ) prosecutor Monica Maldonado filed an investigative report describing Chile's prison system as "inhumane, degrading, and cruel" (NotiSur, Sept. 25, 2009). The overcrowded system, she explained, is more or less incapable of rehabilitating its inmates, physically and psychologically unhealthy, and extremely dangerous.

Chile’s overall prison population grew precipitously starting in 2000, when authorities began implementing a gradual overhaul of the country’s antiquated "inquisitive" criminal-justice system. The Reforma Penal—which included replacing time-consuming written proceedings with speedier oral trials—caused the number of prisoners in Chilean jails to nearly double, from 30,000 in 1999 to roughly 54,000 now. But while authorities have added some new jails in recent years, the prison system is still equipped to handle only approximately 31,000 people.
"The overcrowding is made worse because inmates must often stay in their cells for 15 hours a day. Generally speaking, the cells lack basic hygienic services, adequate light, and ventilation," Maldonado wrote in her 2009 report.

At the time of the fire, Cárcel San Miguel, equipped to handle approximately 900 prisoners, had roughly 1,900. In some prisons the overcrowding is even worse. The Santiago think tank Fundación Paz Ciudadana reports that, in 2009, the Puente Alto prison on the southern outskirts of Santiago had 1,752 inmates, nearly three times its capacity of 630. The situation was similar for the Santiago Sur penitentiary: 6,237 inmates versus 2,446 beds.

Chile has the highest incarceration rate in Latin America: 318 per 100,000 residents, the San José, Costa Rica-based Instituto Latinoamericano de las Naciones Unidas para la Prevención del Delito y el Tratamiento del Delincuente (ILANUD) reported in 2009. Neighboring Argentina, by contrast, jails roughly half that amount.

"Our prisons are perfect garbage bins, where people are treated like human refuse," Alfonso Baeza, a Chilean priest, explained in a recent press statement. "The jails are worse than shantytowns. I think the poorest slum in Chile has better living conditions than our prisons, with the difference that in the slums people are free."

**Pointing the finger**

The current government says its predecessors from the center-left Concertación coalition are to blame for the current crisis in the prison system. The four-party Concertación governed Chile for two decades before Piñera, a billionaire businessman and onetime senator for the center-right Renovación Nacional (RN), assumed the presidency last March (NotiSur, March 26, 2010).

The surge in the prison population began in earnest during the administration of President Ricardo Lagos (2000-2006). Lagos, the third of four consecutive Concertación presidents, promised to alleviate the bulging prison population with 10 privately-contracted jails. By the time Lagos’ successor, President Michelle Bachelet (2006-2010), left office, only six of those facilities were completed. Piñera, his supporters claim, inherited someone else’s mess.

"The measures applied by the Concertación were insufficient, irresponsible, and negligent toward people who are locked up," RN Sen. Alberto Espina argued during an early January congressional session.

Concertación leaders say the criticism is unfair, especially coming from backers of a president who campaigned on a tough law-and-order platform that included promises to "put a lock on the revolving door" of Chile’s prison system. Piñera has argued that the criminal-justice system is too lenient, allowing criminals to easily leave the prison system only to commit more crimes and eventually return. "Delinquentes, se les acabó la fiesta! (Criminals, the party’s over!)," the president warned repeatedly during his campaign.

Prior to the San Miguel fire, however, President Piñera offered no indication of how—assuming he does manage to lock the revolving doors—he plans to house and feed the already bulging prison population. Not only has his administration failed to launch a single new prison project, it also froze ready-to-go construction plans (for prisons in Talca and Santiago) left by the outgoing Bachelet administration. Piñera’s team says it wants to redesign the plans to make them bigger and "more efficient."
From her office in New York City, where she heads UN Women, ex-President Bachelet defended her record on the matter. "Efficiency isn’t everything," she said. "We carried out bids and left projects like Talca and Santiago II designed and ready to go. Unfortunately, I’ve been informed that it’s all been stopped. It all stopped with the arrival of the new government, which wanted to redefine and redesign. The truth is that the designs and money were there."

Many prisoners, few solutions

Critics say there’s plenty of blame to go around on both sides of the political aisle. What are missing are real solutions to the problem, which the deadly San Miguel fire not only highlighted but also exacerbated.

Within days, the tragic inferno produced a ripple effect of violent discontent throughout Chile’s prison system. On Dec. 10, prisoners in San Miguel launched a riot that left more than 20 inmates injured. Two days later, prisoners in the northern city of Calama began a hunger strike. A riot broke out Dec. 16 in another Santiago prison. A dozen guards and 54 inmates suffered injuries. More than 40 inmates were injured during a riot Dec. 21 in an Antofagasta prison. A riot took place last month in Puente Alto as well.

"It would be absurd to say that things are well. They’re bad. Rather than criticize what hasn’t been done, what needs to happen now is to come up with ways to improve [the situation]." CSJ president Milton Juica told reporters earlier this month. "This whole thing about issuing blame is something we need to stop. There needs to be a much more proactive position, and if the political world can reach an agreement, that’d be great."

Both sides seem to agree that Chile needs more prisons. Only by adding more beds to the system will Chile be able to separate inmates (by the severity of their crimes) and rehabilitate them, Justice Minister Felipe Bulnes explained in a Dec. 12 interview with . "With rates of overcrowding like this, conditions are subhuman," he said.

Given that the model was first introduced in Chile by the left-leaning Lagos government, one can assume that both the Concertación and Piñera's Alianza coalition favor privately contracted rather than publicly built prisons.

New and better jails alone, however, are unlikely to solve the crisis. For some observers, the problem is not too few prison beds but rather too many prisoners. Chile has few mechanisms in place to respond to minor crimes with nonprison alternatives, meaning that people like San Miguel fire victim Arragiada, the pirate-DVD seller, end up serving time side-by-side with hardened criminals. New, stiffer drug laws have not helped either. Nor, say critics, does the trend toward prison privatization, which gives both the companies that build and operate the jails and their shareholders an incentive to see more people locked up.

"It’s misguided to engage in a debate on who, President Sebastián Piñera or President Ricardo Lagos, built more square meters [of prisons]," attorney and political scientist Santiago Escobar wrote in a recent opinion piece. "The conditions of overcrowding and degradation are the result of a policy oriented toward putting the highest number of people in prison possible—one that's supported by the political elite on both sides based on the assumption that it's popular to do so....In the end, it's not a question of square meters but rather the number of prisoners."