

# Guns in Brazil: The Ambiguity in the Discussion Between Legalization Control and Trafficking Violations

Nelmo dos Santos Passos

Civil Police, Juazeiro, Brazil

## Email address:

[nelmo.passos@hotmail.com](mailto:nelmo.passos@hotmail.com)

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**Abstract:** Brazil has been attacked by a set of threats to the security of its population which expresses the feeling of insecurity and fear, an effect of the visible increase in crime that foolishly imposes a condition of vulnerability on the whole society. In this narrative, it seeks to understand the dynamics that revolve around so many weapons circulating in Brazilian national territory, displayed without any shame in a visible way by criminals and used by them in profuse illegal actions throughout the country. Along with this problem, there is the discussion of the Disarmament Statute, created with the justification of reducing violence committed with firearms. A controversial subject and insistent in polemicizing the real effect of the federal law n° 10.826/2003 in its (in)efficiency on the control of the weapons. What weapons did they envision controlling? It is legitimate that the criminal will always be able to carry a firearm, as his main means of acquiring weapons, the illegal trade, is separate from this belligerence. The Disarmament Statute, the decrees issued by the head of the federal executive with new rules for access to firearms and ammunition in the country and arms trafficking, are issues that gain political and ideological contours that are confused in ambiguous debates without reaching resolution of the “illegal weapons” problem.

**Keywords:** Weapons, Disarmament, Traffic, Violence

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## 1. Introduction

The purpose of the article is to present facts and induce the reader to analyze the discussion between legalization control and trafficking violations. It is sought in this, through exposed facts, many through the national media, without the intention of proposing political discussion, in an impartial way, to describe just a little about the real reality of public security, emphasizing new scenarios of ostentation of weapons. (of war) by members of examples of criminal factions, previously marked by Rio de Janeiro - RJ state and now with new highlights, Salvador-Ba<sup>1</sup>.

Brazilian citizens, for some time, have been facing an uncertain, asymmetrical panorama of intimidation and risks to their security. This reality of public security in Brazil goes through a process of confrontation with criminal organizations, which are supported by a war power, greater

every day to amplify their actions. The purpose of these organizations in possession of this weapon is increasingly in the violent crimes against the evident: robbery of banking institutions and vehicles for the transport of cargo and values, in the forces and attacks against the security forces and for the wars against more rival groups.

The considerable number of weapons in the possession of criminals is evidently spread by the media. An alarming and controversial topic, having in itself the discussion of the real effect of the Federal Law 10.826/2003 and the federal decrees issued by the current president<sup>2</sup> that makes the citizen's access to owning a firearm more flexible. Given this, may be consider the following questions; Do these legal

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1 In a free google search with the topic “criminals hold firearms in Salvador” it is possible to verify various journalistic articles evidencing the misfortune listed.

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2 The current head of the federal executive edited Decree 9.685, of January 15, 2019, which amends Decree 5.123/04, which regulated the so-called Law 10.826/03. Since then, more than 30 changes have been published in the policy on access to weapons in Brazil. There were at least 14 decrees, in addition to ordinances from ministries or government agencies and bills. See plateau portal. Available at [http://www.planalto.gov.br/ccivil\\_03/\\_ato2019-2022/2019/decreto/D9685.htm](http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/D9685.htm) Access: 04 Jul. 2022.

systems frustrate criminals from acquiring their weapons? And the international and regional arms traffic, doesn't it deserve to be treated with consideration?

With this article, it is intended stimulates a reflection on the social discussion about the flexibility for the possession and carrying of weapons for the population, in the face of signs of indolence regarding the arms market. The approach to the theme is based on the construction of the perspective of widely publicized fireworks on violence. These references helped to compose this work and send us to a factual place, in the search for support for what has been exposed.

In summary, it is intended, with equanimity, to understand the risks that threaten Brazil's internal security with countless illegal weapons in the possession of criminal organizations; to show the dynamics of the news broadcast by the media in the country on our topic; perceive possible political and ideological contours that are mixed in ambiguous arguments without effective results in the problem of "illegal weapons" in Brazil. Finally, to understand if the strategies proposed by national party politics, in making access to firearms more flexible, are coherent to mitigate the risks and threats to Brazilian security, leading the reader to find their own answers to questions posed throughout this work.

## 2. The Diagnosis of Internal Security in Brazil

Brazil is a country with extensive coastlines with enchanting beaches, a multicultural land that enchanted tourists from all over the world. A country that stood out for its beautiful natural beauties, musical rhythms and the charm of its football that seduced foreigners and made its citizens proud. Behold, the dream is over! No, Brazil has not lost its charms! The country has lost its luster. Today, all its beauty continues in the contradiction of the high rate of urban violence<sup>3</sup>, of the armed confrontations, of the exposure of the warlike power by people linked to crime<sup>4</sup>. A gray cloud hangs over the nation.

Fear and the feeling of insecurity in Brazilians have long been accentuated, feelings that do not seem inconsistent. The routine of our society, nowadays, is oriented to live with themes such as violence, crime and fear [11]. By noting constant criminal actions widely publicized by the media. Although the numbers of homicides started to fall from 2018 onwards, this trend has continued to fall by another 6% in the third half of 2022<sup>5</sup>. This fact, without a doubt, deserves to be

celebrated. Not escaping from our theme, according to published by the Brazilian Public Security Yearbook 2022, 76% of homicides in 2021 were by firearms.

"Security is a civic right" [10], of constitutional competence related to fundamental rights and guarantees [1], therefore, guaranteed by the State. "Security constitutes a governmental concern" [7], being also defined as a social right<sup>6</sup>, "the right to security forms a pair with the right to freedom" [4], with no way to disaggregate the axioms security and freedom. "The values of freedom and security are inseparable and interdependent in a democratic society" [7]. The Brazilian public security theme is more present in political debates related to social conflict management models every year. The current situation in Brazil is undoubtedly unusual. With the wide dissemination of the drop in violence rates in 2019 by the media, one can also notice the questioning of what may have motivated this drop in numbers. Let's look at one of these news stories about this uncertainty: "A deal between rival factions, the key to the global drop in violent deaths in the country" (El País, 2019, online).

"Lethal violence in Brazil is decreasing, according to data released in recent weeks. (...) This downward trend, pointed out monthly, has been publicly celebrated by the Jair Bolsonaro Government (PSL). However, four public security experts consulted by EL PAÍS disagreed with this celebration. Two of them, from the police forces in Rio de Janeiro and São Paulo, believe that it is premature to indicate the reasons and do not see, at least for the time being, any relationship between the oscillation and government policies. The others, who closely follow national data, explain that the downward trend began in early 2018 and is explained by the dynamics of the crime market itself" (El País, 2019, online, emphasis added).

For some experts, consulted by the media, the responsibility for the drop in crime is "criminality" itself. Although, a cause and effect has not been presented, which corroborates the refuted phenomenon. In 2020 the country signaled a widely reported increase in homicides<sup>7</sup>. Let's see, the conclusion of this increase in the rise of violent deaths, by specialists consulted by the same aforementioned journal. "Registration of new weapons in Brazil explodes in 2020 amid the rise in homicides"<sup>8</sup> (El País, 2020).

"The number of registrations of new firearms granted by the Federal Police has exploded across the country. (...).

3Brazilian Yearbook of Public Security 2022. "From 2018 onwards, a downward trend in death rates began. In 2021, Brazil recorded 22.3 Intentional Violent Deaths - IVD for each group of 100,000 inhabitants, a 6.5% reduction in the IVD rate compared to 2020". Despite the drop in homicide rates, other crimes such as theft rose by 6.5% in commercial establishments, 4.7% in homes, 11% in financial institutions and 2.4% in cargo. It is worth calling attention to the 847,313 stolen or stolen cell phones in 2021. Available at: <https://forumseguranca.org.br/wp-content/uploads/2022/06/anuario-2022.pdf?v=4> Access: 07 Jul. 2022.

4 Scenes routinely broadcast by the national media and also by social networks.

5Violence monitor. Murders drop 6% in Brazil in the first three months of 2022.

Available at: <https://g1.globo.com/monitor-da-violencia/> Accessed: 07 Jul. 2022.

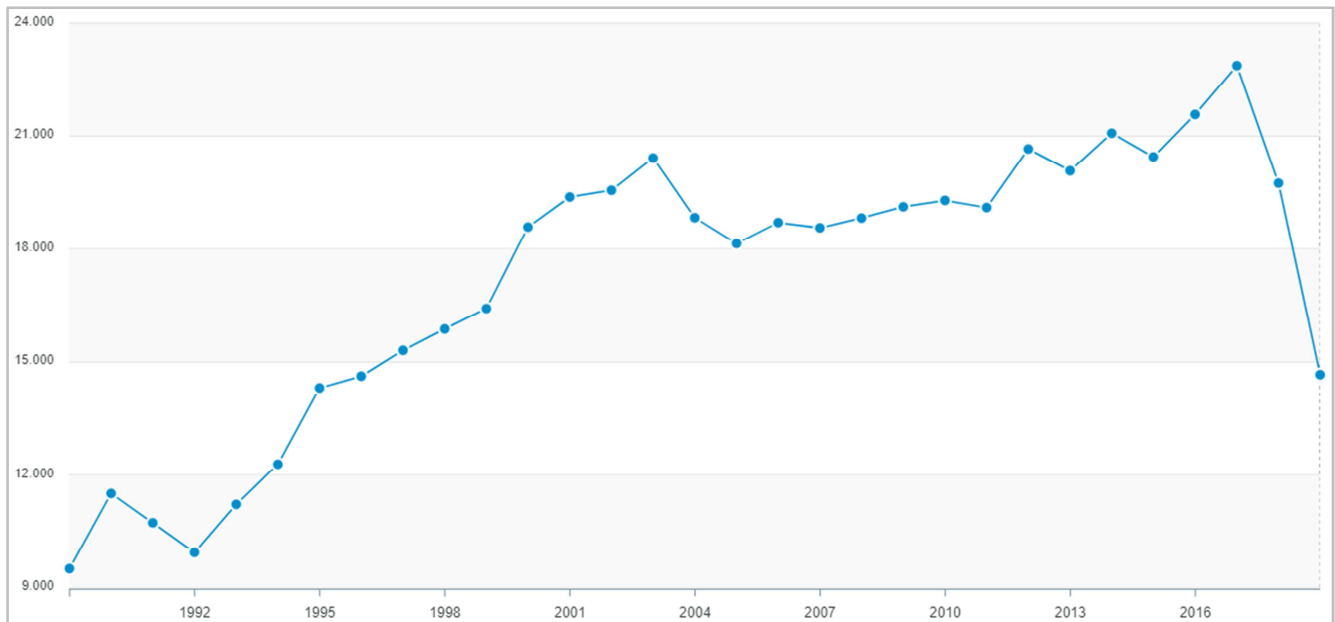
6 Security in the Brazilian Federal Constitution is a fundamental right and guarantee of the citizen and also as a social right in Art 6 of the Federal Constitution.

7 Violence monitor. Brazil has a 5% increase in murders in 2020, a year marked by the new coronavirus pandemic; high is pulled by the Northeast region. Available at: <https://g1.globo.com/monitor-da-violencia/noticia/2021/02/12/brasil-tem-aumento-de-5percent-nos-assassinatos-em-2020-ano-marcado-pela-pandemia-do-novo-coronavirus-alta-e-puxada-pela-regiao-nordeste.ghtml> Accessed: 08 Jul. 2022.

8 El País, Available at: <https://brasil.elpais.com/brasil/2020-07-27/numero-de-novas-armas-registradas-no-brasil-explode-em-2020-em-meio-a-alta-de-homicidios.html> Accessed: 08 Aug. 2020.

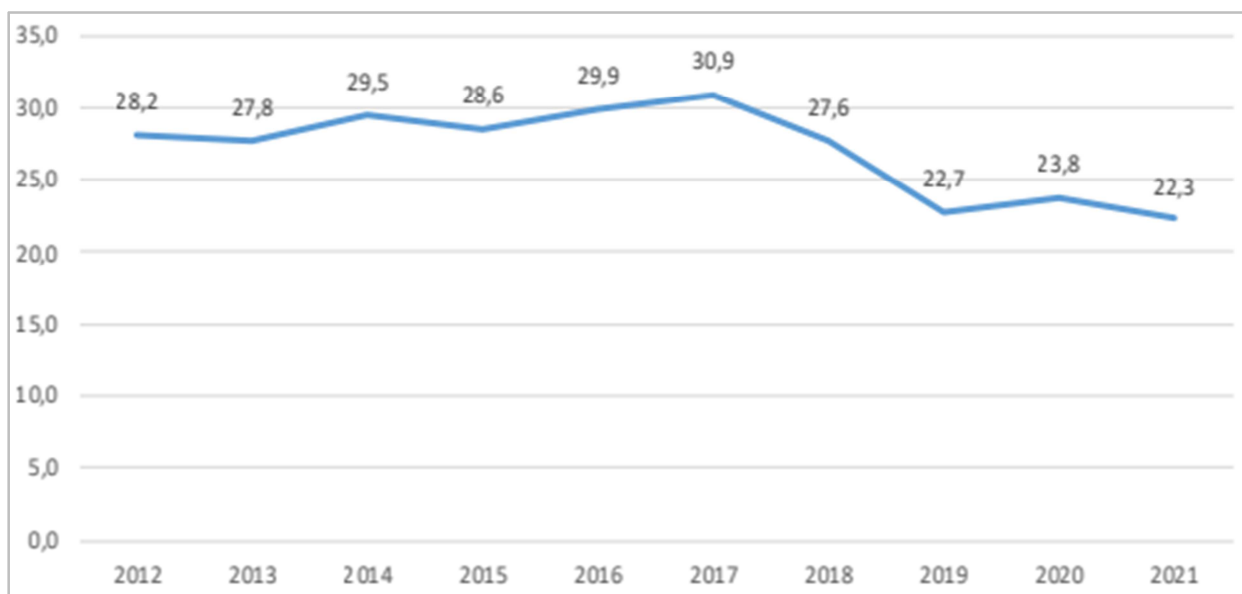
When comparing the first half of 2020 with the same period last year, there was a 205% increase in the total number of new registrations issued by the PF: there were 24,236 in 2019 compared to 73,996 now. This growth is due, according to

researchers, to the ordinances and decrees signed by President Jair Bolsonaro, who had as one of his main campaign promises to make access to firearms more flexible (...)” (El País, 2019, on line. Emphasis added).



Source: Institute of Applied Economic Research <sup>9</sup>

**Figure 1.** Firearm homicides in Brazil.



**Figure 2.** Rate of Intentional Violent Deaths in Brazil.

Source: State Secretaries of Public Security and/or Social Defense; Brazilian Institute of Geography and Statistics (IBGE); Brazilian Forum on Public Security<sup>10</sup>.

<sup>9</sup> Access to the source is suggested, where the reader can better analyze the statistical data, including for each unit of the federation. Available at: <https://www.ipea.gov.br/atlasviolencia/dados-series/31> Accessed: 09 Jul. 2022.

<sup>10</sup> Access to the source is suggested, in which the reader can better analyze the statistical data, including by each unit of the federation, including an article that exposes the opinion of the Security Forum on the subject. Available at: <https://forumseguranca.org.br/wp-content/uploads/2022/06/anuario-2022.pdf?v=4> Accessed: 11 Jul. 2022.

Now, when talk about the increase in violence in the first months of 2020, the responsibility, suggested, lies with the government that, through decrees and edited ordinances, made access to firearms more flexible. Let's think a little! is there really evidence that this lethal violence was committed by citizens who acquired their weapons in the manner permitted by law? Just as a reminder, the Federal Police maintains a register of firearms under the National Weapons System - Sinarm<sup>11</sup> and the Army Command of the Ministry of Defense of weapons under the Military Weapons Management System - Sigma<sup>12</sup>. In other words, there is control of legally traded weapons. While illegal weapons, used by criminals, cannot be controlled, the State adopts the repression of illicit trafficking. The issue, legalized weapons are linked to the increase in violence, was followed by other periodicals around the country, as examples, there is the: Brasil 247, "Registration of new weapons in Brazil explodes in 2020: increase of 205%"<sup>13</sup>; On Semana, "Registration of new weapons in Brazil explodes in 2020 amid the increase in homicides"<sup>14</sup>; The observer, "Registration of new weapons in Brazil explodes in 2020: increase of 205%"<sup>15</sup>. What do these periodicals suggest, that the state is setting up the crime legally?

There is the reverberation of an argument based only on statements and journalistic articles, since no targeted support study was presented, which are not limited to those mentioned, but which, without the proper supporting evidence, propagate regrettable events of violence. It should be noted the absence of the question, trafficking as a means of criminal access to weapons. Let's compare two different moments of this debate to get an idea of the scenario in question; 2003 to 2018 Disarmament Statute and after 2019 start of the decrees easing access to weapons and providing for the acquisition<sup>16</sup>.

The Figure 1 presents the dynamics of firearm homicides in Brazil, noting its performance in the suggested period from 2003 to 2018.

In the Figure 2 presents the rates of violent deaths in Brazil, let's observe the information in the years 2019 to 2021.

The above information remains for analysis and reflection of the bed. As already stated, it is not the intention of this writing discussion political opinion, it is worth reinforcing. However, what is evident in the face of the facts is a conjuncture of ideological political discourse without really worrying about

the core of the problem, or in reaching a common consensus in the resolution of conflicts. What seems to draw a stereotyped projection generalizing common sense to ideas tending to what is believed to be the problem of violence produced by firearms. "In the forms of political action, in particular, the impact of the mass media is gigantic" [9].

### 2.1. The Rio de Janeiro State

Young man is shot when he mistakenly enters a favela in Rio, Son and mother were shot by drug dealers this Tuesday; the woman was not hurt<sup>17</sup>.

Acts like this violate the right to life of the population of Rio de Janeiro, simply entering a Rio de Janeiro community by mistake is a mistake that can be paid for with your life. This news is from an event that occurred on February 1, 2022. Is this an isolated case?<sup>18</sup>

The problem of the enormous growth of crime, of the varied accusations of corruption in all political and public segments, added to a disappointing criminal justice system, among many other ills, add to the population's feeling of insecurity and fear, factors that in many are often not considered to measure the real situation of public (in)security in Brazil.

A proclamation of the Civil Police of Rio de Janeiro<sup>19</sup>, shows a revealing situation of the activities of criminals in the state. The document was sent to the Federal Supreme Court - FSC, shortly after its decision to protect Allegation of Noncompliance with a Fundamental Precept - ADPF 635<sup>20</sup>, signed by Minister Edson Fachin, Below the decision:

"(...) In view of the foregoing, I grant the incidental precautionary measure sought, *ad referendum* by the Court, to determine: (i) that, under penalty of civil and criminal liability, police operations are not carried out in communities in Rio de Janeiro during the COVID-19 epidemic, except in absolutely exceptional cases, which must be duly justified in writing by the competent authority, with immediate communication to the Public Ministry of the State of Rio de Janeiro – responsible for the external control of police activity; and (ii) that, in the extraordinary cases of carrying out these operations during the pandemic, exceptional care is taken, duly identified in writing by the competent authority, so as not to jeopardize an even greater population, the

11 Art. 3 of Decree 9.847 of June 25, 2019.

12 Art. 4 of Decree 9.847 of June 25, 2019.

13 Brasil, 247. Available at: <https://www.brasil247.com/brasil/registro-de-novas-armas-no-brasil-explode-em-2020-aumento-de-205-98t0v47w> Accessed: 18 Aug. 2020.

14 Semana on. Available at: <http://www.semanaon.com.br/conteudo/16079/registro-de-novas-armas-no-brasil-explode-em-2020-em-meio-a-alta-de-homicidios> Access: 18 Aug. 2020.

15 O Observador. Available at: <http://www.oobservador.com.br/noticias/registro-de-novas-armas-no-brasil-explode-em-2020-aumento-de-205,46745.shtml> Accessed: 18 Aug. 2020.

16 Decree 10.630 of February 12, 2021. Amends Decree No. 9.847 of June 25, 2019, which regulates Law No. 10.826 of December 22, 2003, to provide for the acquisition, registration, registration, size and the commercialization of firearms and ammunition and on the National Arms System and the Military Arms Management System.

17 Band News. Young man is shot when he mistakenly enters a favela in Rio, Son and mother were shot by drug dealers this Tuesday (01); the woman was not hurt. Available at: <https://www.band.uol.com.br/bandnews-fm/noticias/jovem-e-baleado-ao-entrar-por-engano-em-favela-do-rio-16477157> Accessed: 1 Jul. 2022.

18 Search Google "with the theme "entered the favela and was shot" and the reader will have access to many similar cases over the years.

19 Direct access to the report directly from sources in the Civil Police of Rio de Janeiro. The document is forwarded to the State Prosecutor of the Security Council of the State of Rio de Janeiro and signed by Police Delegate Felipe Lobato Curi - Undersecretary for Planning and Operational Integration, dated July 6, 2020.

20 Federal Supreme Court – STF, ADPF 635 MC-TPI / RJ. Incidental Provisional Guardianship in the injunction in the allegation of Noncompliance with Fundamental Precept 635 Rio de Janeiro. Available at: <http://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/ADPF635DECISaO5D EJUNHODE20202.pdf> Access: 04 Sep. 2020.

provision of public health services and the performance of activities of humanitarian aid.” (Emphasis ours).



Source: Power Diary

**Figure 3.** Traffickers are increasingly daring and violent, as they go unpunished: they even post photos on social networks, like these, from Jacarepaguá.

After reading this excerpt from the Minister's decision, the reader may be led to two curious questions; what would these absolutely exceptional hypotheses be? What exceptional precautions, which the police have to duly identify in writing, to carry out their operations in the fight against crime? Other issues may be brought up with this decision, however, let's look at the situation revealed by the document. The report points out that organized crime operates in 1.413 communities in Rio de Janeiro, with drug trafficking dominating 81% of these areas and militias in 19%. The crimes committed by these criminals are correlated, such as vehicle theft, robbery, theft of cargo, intentional homicide, possession of illegal weapons, all of which converge to the power emanating from drug trafficking. Drug trafficking in the State of Rio de Janeiro is divided into 03 (three) large criminal factions, they are; Comando Vermelho (CV), Terceiro Comando Puro (TCP) and Amigos dos Amigos (ADA). To maintain territorial dominance, these factions make use of weapons of war (AR10, AR 15, M16, AK 47, FAL, G3, grenades, etc.), reveals the report. And what does that mean? Let's look at some reported facts; “Army” of drug traffickers in Rio de Janeiro is already larger than the number of the Military Police<sup>21</sup>. “The drug factions that share control of around 1,500 favelas in Rio de Janeiro now number 56,000 well-armed criminals, more numerous than the State Military Police, with 44,000 police officers” [6].

Traffickers are increasingly daring and violent, as they go unpunished: they even post photos on social networks, like these, from Jacarepaguá. Source: Diário do Poder.

Given the above, do the Security Forces do anything to curb such criminal actions? The Civil Police of Rio de Janeiro, after clashes between rival factions in the Complexo do São Carlos<sup>22</sup>, in the central region of Rio de Janeiro city,

commented on what happened.

"There was no intelligence failure whatsoever. What the police had two weeks ago was information about the movement of criminals in this region, but without any indication that there would be any territorial dispute involving the São Carlos Complex. of the FSC, which determines that the police can only act in absolutely exceptional circumstances, this intelligence information that until then did not indicate any type of invasion in this region, could not be checked", he declared in an interview with GloboNews” (UOL, 2020, on line).

This statement by the Undersecretary of Planning and Operational Integration, Felipe Lobato Curi, provokes us to consider the disagreements between the spheres of the State, with regard to Public Security.

These events in the State of Rio de Janeiro continued without almost any repression by the State, which was immobilized by ADPF 635 of the FSC. What is the result of such a precautionary measure?

According to data published by the Instituto de Segurança Pública – ISP of Rio de Janeiro state, these are the numbers in the historical series of firearms seizures<sup>23</sup>.

**Table 1.** Historical series of firearm seizures at Rio de Janeiro state.

Year	weapons seized
2017	8.706
2018	8.721
2019	8.423
2020	6.440
2021	6.833
2022	2.857

Source: Public Security Institute<sup>24</sup>

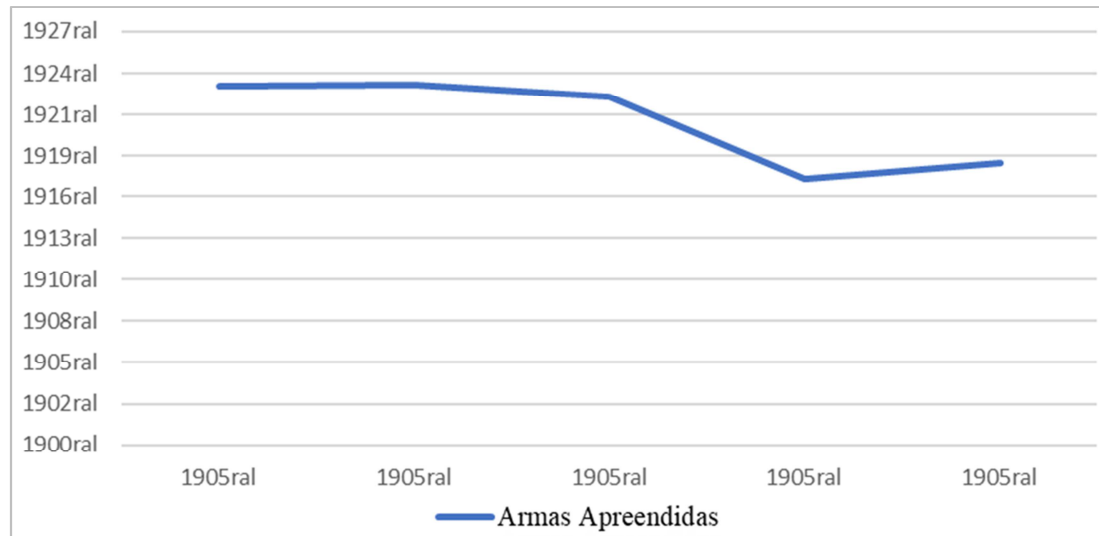
21 DP Redação. Available at: <https://diariodopoder.com.br/claudio-humberto-home/exercito-dos-traficantes-no-rio-de-janeiro-ja-e-maior-que-o-efetivo-da-policia-militar> Access: 05 Sep. 2020.

22 Confrontation occurred on 08/26/2020. Portal Eu, Rio! Traffickers and factions in the invasion and war in the São Carlos Complex. Available at: <https://eurio.com.br/noticia/16266/os-traficantes-e-faccoes-na-invasao-e-guerra->

no-complexo-de-sao-carlos.html Access: 05 Sep. 2020.

23 All categories of weapons were considered.

24 Public Security Institute – IPS the data are prepared based on the microdata of the information available at the time of recording the occurrence records – OR in the Civil Police stations of the State of Rio de Janeiro. Available at: <http://www.ispvisualizacao.rj.gov.br/Armas.html> Accessed: 19 Jul. 2022.



Source: Public Security Institute – PSI

**Figure 4.** Weapons seized in the state of Rio de Janeiro state.

As can be seen, 2020 and 2021 the number of seized weapons dropped significantly. Period in which police operations in the communities of Rio de Janeiro were prohibited during the COVID-19 epidemic, except in absolutely exceptional cases, pursuant to ADPF 635 of the FSC. While in this same period, in the plenary of the Federal Supreme Court - FSC the possible constitutionality of the decrees edited by the Presidency of the Republic that facilitated the access to firearms in Brazil is analyzed, the supreme judges 14 actions<sup>25</sup>. In 2020, Minister Luiz Edson Fachin suspended Resolution 126/2020<sup>26</sup>, which zeroed the import tax on revolvers and pistols. The same minister who prohibited the security forces from carrying out police operations in the communities of Rio de Janeiro, in the repression of criminal factions. Similar issues, however, deserve different debates, because their motivations are different. Meanwhile, in the communities of Rio de Janeiro, armed groups demonstrate their strength and sustained power, a war power inconceivable for a free society.

## 2.2. The Threat Generated by the Flow of Illegal Firearms

The perceptible expansion of criminality, increasingly armed, imposes a condition of vulnerability on the good citizen, who fulfills his legal duties. A scarce scenario of effective State intervention, affronts the support structures of our society, afflicted with the public exposure of the war power of factions across the country. Under threats, the security and freedom of the population depend on profuse, multilateral and effective public security policies, however,

what presents us is a belligerence between the public spheres, when the topic is public (in)security. “Over the years, governments have announced measures to combat crime, even so, it has not been easy to perceive the efficiency of the authorities in dealing with crime” [10].

It is already common for Brazilians to watch scenes of armed men on social networks in almost all Brazilian capitals. A show of force and impunity aimed at intimidating rival factions for drug trafficking and spreading fear in society. Other groups with a more daring design reveal the threat of weapons in their possession, through the practice of robberies from banking institutions in small towns, terrorizing these communities, attacking local security forces and in many cases taking residents hostage. An action in 2020 won the country's news, emphasizing the daring criminals, members of the PCC (Primeiro Comando da Capital)<sup>27</sup>, in which they surrounded a Military Police - MP battalion and attacked the Brazil Bank branch in Botucatu city in the São Paulo - SP State, in the early morning of the 07/29/2020. According to reports, approximately 30 men participated in the action, all heavily armed.

With the title: Robbery in Botucatu (SP): security policy 'uses force with motoboy and speaks softly with 30 guys with rifles', from the website of the Organização Ponte. This journalistic call called our attention for the mockery of the police involved in this action, it is worth mentioning that two of them were injured. Content with biased aspects, which leads us to reflect on what is behind certain discourses when it comes to violence, weapons and the State<sup>28</sup>. In the face of

25 Brazil Agency. FSC: Moraes votes against gun decrees; Nunes Marques asks for a view Judgment is made by the virtual plenary of the Supreme. Available at: <https://agenciabrasil.ebc.com.br/justica/noticia/2021-09/stf-moraes-vota-contradecretos-sobre-armas-nunes-marques-pede-vista> Accessed: 20 jul. 2022.

26 Conjur. Fachin suspends resolution that zeroed taxes on arms imports. Available at: <https://www.conjur.com.br/2020-dez-14/fachin-suspende-aliquota-zero-importacao-armas> Accessed: 20 jul. 2020.

27 Information released by the Police. A PCC branded "1533" weapon, seized after a bank robbery in Botucatu, confirms this widely reported version.

28 It is suggested to read the journalistic article to better understand what was mentioned. Readers' comments are worth noting. This work sought to present a value judgment on the opinions of journalists or “experts”, but to give each reader the opportunity to draw their conclusions. Available at: <https://ponte.org/policia-usa-forca-com-motoboy-e-fala-fino-com-30-caras-de-fuzil/> Access: 21 July. 2020.



all this violence, debates, fear and a feeling of lack of freedom, there is a flow of illegal weapons as a mechanism of power for organized crime. So, where do these powerful weapons come from?

### 2.2.1. The Arms Trade in Brazil

Before trying to find the answer to the question that ended the previous topic. It is interesting to talk a little about the arms trade in Brazil. Talking about this issue is soon referred to the so much praised by some and criticized by others, Federal Law 10.826/2003, the Disarmament Statute. The firearm theme is one of the most controversial in recent times in the country. "*Disarmament statute limits the multiplication of violence, says sociologist.*"<sup>29</sup> Does this statement really match reality?

The Disarmament Statute was instituted with the objective of reducing the rates of violence through the use of firearms. However, it is noticeable that this control was limited to weapons in which the State had control, registered ones, those legally acquired, while illegal ones, originated by trafficking, continued to circulate indiscriminately throughout the country. The Disarmament Statute had an undeniable impact on the purchase and possession of firearms by society. The Disarmament Statute provoked a true "revolution" in the way the country dealt with the issue of arms control." [15]. "Of the approximately 2,400 stores specializing in the sale of weapons registered with the Federal Police in 2000, in 2010 there were less than 280. A reduction of 90%" [14]. Faced with this new reality, the question remains. What happened to the illegal trade? Did criminals had difficulties acquiring weapons? The public (in)security scenario is in plain sight, arriving at this answer should not be difficult.

What concrete has been achieved with the Disarmament Statute? It can be inferred that the criminalization of carrying weapons<sup>30</sup>, initially instituted by Law n.º 9.437/1997<sup>31</sup>. This is due to art. 35, which proposed banning the sale of firearms to civilians in general, submitting the validity of the device to a popular referendum<sup>32</sup>. The possession of weapons in Brazil is a worrying and controversial subject, in the insistence of polemizing on the real effect of the federal law nº 10.826/2003 and in the present, the presidential decrees that deal with the subject. An inefficient debate about the control of illegal weapons and the flexibility of legal possession and possession. And the effects of these legal systems on the increase in violence and their peculiar characteristics on criminal typifications. "The population disarmament measures were not accompanied by essential reforms of the

judicial, penitentiary and police apparatus, and the drops in the number of homicides in 2004 and 2005 do not have a statistical correlation with the voluntary surrenders of weapons that were made in the period, even when taken at the state level" [13].

These strenuous political disagreements related to the issue, possession of weapons, and pursued with dozens of legislative propositions presented to the Chamber of Deputies, aiming at changes in the law, with a vast majority seeking to expand those benefited by the possession of firearms. Bill 3.713/2019 is one of them. In 2019, the federal government, in just six months, issued seven decrees on the possession and possession of weapons<sup>33</sup>. The discussion that seems to have no end, because even today the criticism of easing the possession and carrying of weapons is a recurring subject in the media and political scenario. Therefore, organized criminals keep their activities in operation, since the dispute between politicians and institutions revolves around the legal trade and the citizen's carrying a weapon.

### 2.2.2. Ambiguity in the Discussion Between Legalization Control and Arms Trafficking Violations

Relating the growth of violence in Brazil to the approach of the contribution of firearms to this increase, as it is possible to perceive, is always highlighted. What cannot fail to be mentioned is drug trafficking as a promoter of violence, because the residents who live with the drug traffickers are victimized by the brutal coercion of the criminals [3]. With profits higher than any other criminal activity, drug trafficking, with cocaine as its main product, is an evil that has a strong penetration in all social strata. A product of high added value that supports a network of criminal organizations that feeds back various other types of crimes.

At the present time, the practice of drug trafficking becomes a much bigger business every day, requiring greater distribution logistics and large numbers of "soldiers" to protect the dominated areas. Acquisition of weapons, ammunition, among other elements, are crucial for protecting the territory in which certain criminal factions operate and for conquering enemy zones, always with the aim of expanding the drug market. In this dynamic, drug trafficking is directly related to arms trafficking. ". "*War arsenal with dozens of weapons is seized in Seropédica*" - According to the Federal Highway Police, the material seized at dawn this Thursday would be delivered to the Complexo da Maré, in the North Zone of Rio de Janeiro city<sup>34</sup>.

The aforementioned journalistic article shows a factual truth, arms trafficked to Brazil, their destination, Complexo da Maré<sup>35</sup>, located in the North Zone of Rio de Janeiro city.

29 Brazil Fact. Disarmament statute limits the multiplication of violence, says sociologist. Available at: <https://www.brasildefato.com.br/2019/10/14/estatuto-do-desarmamento-e-dique-contramultiplicacao-da-violencia-diz-sociologo> Access: 23 sep. 2020.

30 Before, the conduct of carrying a weapon characterized only a misdemeanor, subjecting the individual to simple imprisonment of 15 days and six months or a fine. Art. 19 of the Criminal Misdemeanors Act – Criminal Misdemeanors Act. Law No. 3,688/1941.

31 Former "Firearms Law". Repealed by Law No. 10.826, of December 22, 2003.

32 Legislative Decree No. 780/2005.

33 Senate Agency. Senate prepares new law on possession and possession of weapons to replace decrees.

Available at: <https://www12.senado.leg.br/noticias/materias/2019/07/26/senado-prepara-nova-lei-de-porte-e-posse-de-armas-para-substituir-decretos> Access: 24 Sep. 2020.

34 Current Journal. War arsenal with dozens of weapons is seized in Seropédica. Available at: <https://jornalatal.com.br/17020-2/> Access: 02 Jul. 2022.

35 Tide complex is operated by the criminal faction Comando Vermelho.



**Figure 5.** Photo publicity / Federal Highway Police the shipment contained 22 rifles, 21 pistols and dozens of magazines. Publicity photo/PRF the shipment contained 22 rifles, 21 pistols and dozens of magazines.

Is it really, what possibilities of buying weapons on the legal market fuel organized crime? If there was a certainty of a “yes”, what would be the reason to continue the arms trade, since repression is constant? Let's see what opposition senators to the government alleged against the interministerial ordinance 1.634<sup>36</sup>. “Apparently, the norm only serves to favor deviations and fuel organized crime and militias. The Interministerial Ordinance 1,634, as it represents a true and unjustified setback in the fight against violence in the country, must have its effects stopped”<sup>37</sup>. To what understanding does this statement refer us? Will criminals in Brazil buy weapons and ammunition in accredited stores? It seems that the State has no competence to protect the citizen, when it is said that whoever has weapons and ammunition, these will be stolen or stolen. A speech disseminated even by congressmen.

An article by journalist Giampaolo Morgado Braga (2019) complements our collection of journalistic articles that make up our work. With the theme “A T4 Rifle in hand and an illegal gunshot to the head - It's worth insisting: the real problem is not registered weapons, but those with the bandits”<sup>38</sup>, Braga's work describes a little about these inaccuracies. in the debate between the control of legalization and the circulation of illegal weapons in Brazil. He sums up well this belligerence around the theme “weapons” and gives indications of the politicization of the problem<sup>39</sup>.

36 Ministerial Ordinance No. 1.634/GM-MD, of April 22, 2020. Establishes the maximum quantities of ammunition that can be acquired by the members of the bodies and institutions provided for in items I to VII and X of the caput art. 6 of Law No. 10,826, of 2003, by individuals authorized to acquire or carry firearms, and by other agents authorized by special legislation to carry firearms.

37 Senate Agency. Senators want to stop ordinance that increases limit for purchase of ammunition.

Available at: <https://www12.senado.leg.br/noticias/materias/2020/08/10/senadores-querem-sustar-portaria-que-aumenta-limite-para-compra-de-municao> Access: 27 Jul. 2022.

38 Época. A T4 rifle in hand and an illegal gunshot to the head. Available at: <https://epoca.globo.com/um-fuzil-t4-na-mao-um-tiro-de-arma-ilegal-na-cabeca-23686013> Access: 27 Jul. 2022. It is suggested to read the article.

39 It is suggested to read the article for knowledge, in the work the columnist of

Data presented by the Brazilian Army in 2019 reveal the numbers of weapons stolen from hunters, shooters and collectors - HSC. Brazil has registered 163,546 HSC. This group has 389,318 weapons, an average of 2.38 weapons per citizen. In 2018, 989 weapons were stolen. In 2019, 461 weapons were stolen/stolen. The average number of weapons stolen over the years gives 0.0102% of the total weapons belonging to the HSC, a low percentage<sup>40</sup>.

**Table 2.** Total weapons stolen from hunters, shooters and collectors.

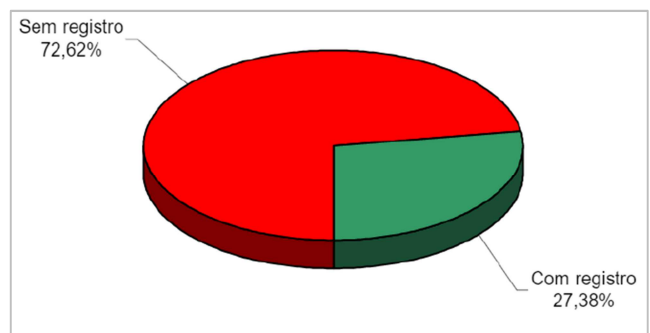
Year	The Amount
2016	778
2017	860
2018	989
2019	461*

\*DATA PRESENTED BY THE BRAZILIAN ARMY ON JULY 4, 2019.

Source: Senate Agency.

It is worth mentioning that these numbers of weapons stolen from HSC are at the national level. In just one state, Rio de Janeiro, in 2018, 8,721 weapons were seized. The proposal is to compare; Weapons seized from criminals only in Rio de Janeiro (Table 1) and weapons stolen from HSC (Table 2). Data that point to an appreciation of the provocative scenario in the debates between legalization control and trafficking violations. If registered weapons primarily supply organized crime and militias, what to say about the seizures. Where do these weapons seized by the police come from?

A report<sup>41</sup>, a little old, but a modern argument, shows the tracking of Glock pistols seized with the crime in Rio de Janeiro between 1998 and 2003, its content highlights that access to Brazilian territory has been primarily illegal. Let's see:



Source: Division of Inspection and Weapons and Explosives - DFAE - RJ.

**Figure 6.** Glock Pistols tracked according to registration status - 1998/2003.

What unregistered weapons are these? They are weapons

Época presents an argument based on numbers, comparing data on weapons registered in some states.

40 Figures released by the Army, source: Senate Agency. Available at: <https://www12.senado.leg.br/noticias/materias/2019/07/26/senado-prepara-nova-lei-de-porte-e-posse-de-armas-para-substituir-decretos> Access: 25 Sep. 2020.

41 Tracking the Glock Pistols seized as a crime in Rio de Janeiro state between 1998 and 2003. Federal Deputy Raul Jungmann – Technical Support for the Viva Rio Firearms Control Project. Original source: DFAE – Rio de Janeiro.



that enter Brazil illegally, it is the trafficking of arms and ammunition that feeds criminal factions throughout the national territory, these weapons have nothing to do with the discussion of the Disarmament Statute or presidential decrees, as their origin and destination do not register their true buyers with regulatory bodies.

The Parliamentary Commission of Inquiry - PCI of 2006, aimed at investigating criminal organizations involved in arms trafficking in “frantic expansion in the country” (PCI do weapons trafficking, 2006), that is, a long-standing problem, known to the Brazilian National Congress.

“This Commission has therefore tried to outline the scenario of illicit trafficking in arms and ammunition in the country, based on what existing research already points out: more than 17 million weapons circulate among us, almost half of which are illegal and, of these, about of 4 million in the hands of criminality” [2].

In other words, parliamentarians are aware of the real problem of weapons in Brazil. A report by the Division for Repression of Crimes against Heritage and Arms Traffic – DICOR of the Federal Police, in which a diagnostic request on land arms trafficking in Brazil, revealed that 99% of firearms enter the country by border and with most weapons from the United States of America and Paraguay to Brazil [12]. Most of these weapons are destined for criminal factions, predominantly in the states of São Paulo and Rio de Janeiro. Such demand for international arms trafficking is controlled by the entire domain of organizations operating in the Triple Border (Argentina, Paraguay and Brazil) these groups have been increasing their activities [5]. In a way, a contraband mechanism works in a way that is not limited to a weapons manufacturer, Glock (Israel), Girsan, Tisas, Trans, Sarsilmaz, Akdal and Akkar (Turkey), Tara (Montenegro), CZ and Alfa (Czech Republic), Taurus (Miami/USA), Smith & Wesson, Sig Sauer and Ruger (USA), Bersa and DGFM (Argentina), Tanfoglio (Italy/Philippines), some of the brands of handguns (pistols) were seized in the Brazil and were legally imported by Paraguay<sup>42</sup>. This is the point to be really debated, however, this relevant point has been disseminated in a distorted way by the media and specialists in dubious speeches.

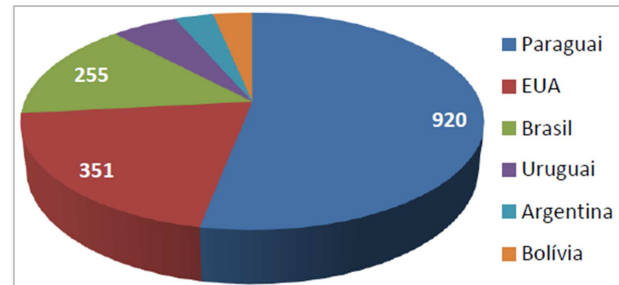
The problem is the insecurity of the population caused by the circulation of illegal weapons. The motivations that lead to this disturbance are numerous, giving disproportionate weight to an issue is questionable. Therefore, when the statement, so often repeated, that weapons acquired legally go to illegality, this is not inaccurate, however, distorted. Let's see:

“(…). Despite these protocols, however, there is evidence that arms and ammunition legally exported to neighboring countries (mainly Paraguay) return irregularly to Brazil and into the hands of criminals. (...)” [2].

“(…) As a result of the tracking, the highest incidence was of commercial establishments and public forces based

abroad, which indicates that the weapons seized in Brazil are the object of crimes such as arms trafficking, drug trafficking and bank robberies and valuables, possession and possession illegal firearms for restricted use were mostly of foreign origin” [12].

To have a view of the origin of weapons held by crime in Brazil according to the last registered owner<sup>43</sup>, let's see.



Source: DICOR - PF

Figure 7. Last known record.

Most of the pistols and revolvers that end up in the hands of criminal factions, mainly from Southeast Brazil, come from Paraguay. Rifles and rifles, in turn, originate in the United States<sup>44</sup>.

So, where do the weapons that make up the arsenals of criminal factions come from? Weapons legally purchased by Brazilian citizens, registered or weapons trafficked into our territory? The discussion about the control of legalization and violations of trafficking, is still today, generating many controversies, because the effectiveness on the prohibition of the illegal trade of firearms in Brazil, its ability to make flexible or totally restrict the circulation of illegal weapons is not well established.

When the media and experts repeat that weapons purchased legally will end up in the possession of crime, they are not completely wrong, the issue lies in the omission of information that accompanies this statement. Because, the arms trafficked to Brazil followed legal procedures to countries like the United States of America and Paraguay, from where they left legalized stores straight to arms dealers, causing them to arrive in the possession of Brazilian criminals, that is, the problem of these weapons illegal in Brazil is in the control of access to the country. This mechanism for the entry of weapons is confirmed by the predominance of firearms seized in Brazil that had their commercialization process started through legal procedures, as already alluded to in our work.

42 Source: Division for Repression of Crimes against Heritage and Arms Traffic – DICOR of the Federal Police, 2018.

43 The activities of the Federal Police Weapons Tracking Center from 2014 to 2017, mainly through the Interpol I24/7 System to direct DPAT/DICOR requests to the countries of origin of the weapons, as well as requests made directly to the US ATF. 2014: 1038 requests (Interpol, ATF/USA and manufacturers) - 2015-2017: more than 9000 requests (Interpol, PF addenda, ICE addenda in Brazil and manufacturers).

44 Isto É Estadão content. Crime weapons come from Paraguay and the USA and the route is through the Triple Border, says PF. Available at: <https://istoe.com.br/armas-do-crime-vem-de-paraguai-e-eua-e-rotas-pela-triplice-fronteira-diz-pf/> Access: 27 Jul. 2022.

This highlights Brazil's fragility, not only in protecting its borders from smuggling, but also in imposing external sovereignty. It is essential to broaden the view regarding the multifactorial aspects that determine the dynamics of trade, circulation, possession and illegal possession of weapons in Brazil. Such information provokes us to assess the uncertainties of the real purposes of heated discussion on measures to make the possession and carrying of weapons more flexible. Do these issues not deserve direct attention, in different lines of discussion, with broader expositions, to converge at a more precise moment, in favor of the common good?

### 3. Conclusion

The purpose of this article was to broaden the understanding of the problem, circulation of illegal weapons held by criminals in Brazil, in their discussion, suggesting the existence of indications of political inclinations, as well as leading to a reflection on the possible ambiguity in the discussion between of legalization and violations of arms trafficking.

It is possible to perceive that, from perspectives widely disseminated by social media, public security problems related to the State are under a political nexus, albeit implicit. The government has aspired to act with political practices in its ideological context, reinforcing the paradigm of the citizen's right to carry a weapon for his own defense. It has therefore been opportune to question its practice and to attribute responsibility to the legal trade and weapons for the increase in the arsenals of crime.

The point of interest in the discussion on the circulation of illegal weapons in the country has always been federal law 10.826/2003, however the discussion turn to the decrees of the federal executive, which make the possession and carrying of weapons more flexible. With the Disarmament Statute in force, all the discussion about illegal weapons, urban violence and high homicide rates revolved around it. "In fact, one of the major causes of the high number of deaths by firearms is not even directly related to them or the legislation related to them." [8], but with the tolerant way that the legislation treats the crime of homicide. The problematic issues of illegal entry of firearms into Brazilian territory, through trafficking, of course, stimulate a widespread perception of the growing use of these weapons in various criminal actions in Brazil. However, these two lines of discussion are mixed up in an invective scenario inserted in a scheme that is counterproductive to the greater interest that would be the repression of illegal weapons in the possession of criminals, and, therefore, the safety of the Brazilian population. The central object of our work was to show different points of view and try to understand that the problems of illegal weapons in the country deserve attention directed to each issue listed. Control of legalization and violations of arms trafficking are different but associated themes that, after being discussed separately, converge at a given moment with the aim of achieving the essential thing, the control of illegal weapons in the country. Meanwhile, the

lack of productivity to resolve the issues that afflict the internal security of the country continues, in the face of so much ambiguity in the discussion between control of legalization and violations of arms trafficking.

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