



# Brazilian Border Control Laws Juxtaposition: Subjects of Vulnerability and Criminalization in Humanitarian and Judiciary Arenas

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**Case Report**

**Volume 6 Issue 1**

**Received Date:** February 11, 2021

**Published Date:** March 19, 2021

**DOI:** 10.23880/ijfsc-16000224

## Abstract

In this article, I propose to analyze the notion of “organized crime” and how it is intrinsically related to specific attributes of masculinity and femininity in intersectionality with race and nationality. To do so, I start from a discursive jargon that has been repeatedly lobbied by agents of humanitarian organizations in Brazilian legislative public arenas, namely: *all women prisoners accused of international drug trafficking are victims of international networks of trafficking in persons*. Through this starting point, the objective is to examine the relations established between the international drug market and the criminal category of “human trafficking” in humanitarian networks and agents of the State, particularly in Brazil. Considering also the ethnographic exposition of my fieldwork with foreign women who served the sentences at São Paulo city prison system, this article seeks to scrutinize the production of humanitarian speeches and state agents in the public arenas.

**Keywords:** Trafficking; Humanitarian; Gender; Ethnographic

## All Women Accused of International Drug Trafficking are Victims of Trafficking in Persons: A Genealogical Course

On June 12, 2012, a session was held at the São Paulo State Legislative Assembly to discuss the *women's imprisoned situation*.<sup>1</sup> The session was attended by law specialists, members of civil society organizations concerned with the subject, academic researchers in the field of prison studies and gender, as well as prisoners who have served their sentences in the prison system of São Paulo. Throughout one afternoon, much was said about the degrading physical

conditions of prison buildings in which female prisoners are forced to spend years of their lives to comply with their sentences and situations of extreme violation of rights committed by the state that condemns and imprisons them in the figures of agents of police and judicial apparatus.

Concerning the issue of the relationship between women accused of involvement with drug market networks, some situations were pointed out as recurrent. Among them, men (spouses and children) asked their wives and mothers to *hold the drug*, that is, *hold their flagrant*, which would get them arrested during a police checkpoint. Already on *organized crime* networks, these have been characterized as responsible for victimization processes of women accused of committing crimes such as *international drug trafficking*. An important jurist, recognized for her trajectory as an

<sup>1</sup> Native terms and expressions, as well as taken from the ethnographic field, will be written in italics. Report and film names will be written in quotes. Speech transcriptions will also be in quotes.

advocate for women in conflict with the law, recalled what she called a *perverse connection* between various trafficking networks (all managed by men), drug, organ and weapons trafficking networks. According to this lawyer, women were *victims* of these networks. They were enticed by men in many ways, for after all, *a woman is capable of everything for her family*. Narratives of all stages of the drug market, whether situated in local retail relationships or in global distribution, located *men* as their managers and *women* as the end of the productive chains – repeatedly linked to attributes of deceit by violent solicitation (international mafias of organized crime) or affective (sons and husbands).

During the following years, in December 2013 and March 2014, the Land, Labour and Citizenship Institute<sup>2</sup> launched, respectively, the technical opinion entitled “The consequences of the punitive discourse against women ‘mules’ of international drug trafficking: ideas for reformulation of the drug policy in Brazil” and the documentary series entitled “Women mules: victims of trafficking and law”. The videos of the documentary series, available on the YouTube channel<sup>3</sup>, compile parts from interviews with women working in non-governmental organizations, as well as in State apparatus – such as Public Defender<sup>4</sup>. All agents of humanitarian networks produced from the complex links between State and third sector. All of them recognized, in the public and legislative spaces, as dedicated agents to the defense of the female prisoners rights, both for the importance of their professional activities and for the impact of their actions as jurists, missionaries of the Catholic Church and public workers.

From the interviewed women, humanitarian network agents active in the arena that falls upon the “affair” [1] of incarcerated women, includes the lawyer who signed the technical opinion on *women mules* in 2013, Luísa Luz de Souza [2], as well as the jurist who, during the open session of São Paulo Legislative Assembly in July 2012, recalled the *perverse connections between drug, arms and women trafficking*.

In the cut of the interview attached to the documentary series, Luísa Luz de Souza presents, in a speech lasting a little

2 ITTC (acronym of Land, Labor and Citizenship Institute in Portuguese), is “an institution that sought to inform society about the violations of the rights of excluded people, to promote actions aimed at offering jobs for the unemployed, and provoke a public dialogue about Land, Labor and Citizenship”. It was founded in 1997. See: <http://ittc.org.br/our-history/> (Last access: June 7, 2018).

3 See: <https://www.youtube.com/watch?v=Tu8nWgc4F8Q> (Last access: June 7, 2018)

4 Public defender offices are the state agency that provides full and free legal assistance to people who do not have the funds to pay the costs of these services, according to the Brazilian Federal Constitution.

more than two minutes, the importance of differentiating the specific subjects acting in the transnational drug trade networks. In a very clear language that does not use judicial grammar, the lawyer explains that women *mules* who transport drugs across borders while travelling are mistakenly categorized by controlled border state apparatus and punitive as *international traffickers*. In her words: “it is necessary to approach the differentiation between the different figures who are part of these criminal organizations. So, people who occupy high command position and have very high profitability. Very different from people who, for example, work as “*aviões*” [small traffickers] or as a “traffic mule”.

In this way, Luísa Luz proposes to explore how the legal-criminal provisions undertaken by the *war on drugs* policies and which have built the apparatus to combat this market, by not considering the differentiations of the subjects and the specific contexts through which these participate in the networks of trade and distribution of illegal substances, end up criminalizing those that the lawyer considers to be *victims of trafficking* (drugs and people) and laws: *mules and ‘aviões’ of trafficking*.

In line with the positions of Luísa Luz de Souza, public defender Isabel Machado argues in the same series of video-interviews, there is a presumption that the “mule” would be part of a criminal organization by police and judicial agents. “This makes it very difficult for the criminal defense of the people socially located as ‘mules’”, which end up responding to the crime of drug trafficking in the Brazilian Penal Code. Isabel Machado follows up her speech by stating that:

“This situation makes the mule very vulnerable, the person who carries out the transport at the very end, many times in extremely difficult situations, exposed to the violence of the enticer and also of the police force. And when we have a transnational dimension of the mule phenomenon, then we have people exposed to a situation of trafficking in persons or reduction to the analogous condition as of slaves”.

The arguments of the lawyers Luísa Luz and Isabel Machado are convincing regarding the exposition of facts that move the people designated to transport substances considered illegal as participants in the so-called *organized crime* networks. According to both, it is factually seen that “the *mule* does not belong to this organization” (Isabel Machado, parts from interview in “Women ‘mules’: victims of trafficking and law”). Rather, advocates’ arguments emphasize that, instead of arresting those who are involved in transnational crime, drug war policies are undertaking efforts that entail the imprisonment of people who are doubly victimized: first by traffic manager and then law administrators.

Throughout their recorded interviews, Luísa and Isabel are careful not to characterize *mules* as only women and subjects located at *high crime* as men. The *mules*, in their words, are vulnerable figures who, at least in their interviews, do not seem to embody clear attributes of previous gender, social class, and race. Above all, the *mules* are victims.

In the text of the technical opinion of 2013, drafted by Luísa Luz de Souza [2] and entitled "The consequences of the punitive discourse against women *mules* of international drug trafficking," the *mules* are assigned gender categorizations in the name. Throughout the document, the author is concerned with analyzing the places of subservience women have repeatedly occupied in the *international narcotics trafficking*. The discussion outlined in the technical report written by Luísa Luz is outstanding in showing how the anti-drug policies that have been put in place since the 1960s, including through ideological-normative frameworks of international policies defined in a set of conventions of the United Nations (UN), has led to a combined of penitentiary institutions and the intensification of practices criminalizing black, brown and indigenous populations in Latin and North America.

In her argument, the author points out that the so-called *drug war*, rather than solving one of the problems of the contemporary international context, by not specifying the figures that act at different scales of the global narcotics distribution chain, had perverse consequences for subjects that become criminally located as part of the transnational networks of the drug market. The author points out in her argument that, by not specifying the figures that act on different scales of the global narcotics distribution chain, the so-called *drug war* has had perverse consequences. This is because all subjects are criminally located as members of *transnational drug market networks*, even when they act as *small traffickers* - such as *Bolivian peasants* - or when they are *mules* of international drug trade - *South American, African and Asian women*. In this sense, the analyzes undertaken by the author highlight how the drug war policies initially forged by the United States and, currently, spread throughout the world, result in a criminalization strengthening of poor populations, historically marginalized, as well as their flows across borders.

Luísa Luz's arguments are in line with Diaz-Cotto's [3] analysis of the impact of *war on drugs* policies on specific populations. The author analyzes the increase of Latinas in North American and European prisons. She argues that if the criminalization policies of the governments of South and Central America falls, especially on the poor and racialized populations within the countries themselves, the increase of transnational policies to combat the drug market ends up criminalizing all of Latin America. This process, according

to Diaz-Cotto, leads to the mass incarceration of women from these regions, as well as from the African continent [4]. As Dolores Juliano [5] shows about the prohibitionist laws of the sex and drug markets in Catalonia, the opinion signed by Luísa Luz shows that drug war policies involve the criminalization of survivorship practices by subjects on the margins of drug relations and formal and regular markets.

Contrary to what Juliano proposes, however, the lawyer's technical text unfolds not in the sense of questioning the very practice of illegal categorization of the drug trade - as well as the categorizations of *vulnerability* and *criminal activity* in the scrutiny of the subjects criminalized by the *drug war* -, but giving centrality to the importance of differentiating the hierarchies of the subjects that relate to this market. Souza thus gives continuity to the opinion by producing a "brief but systemic explanation of the dynamics of international drug trafficking in which, by gender and international division of labor, women occupy inferior positions and are, as a consequence, exploited and easily replaced" [2].

Taking into account what it considers to be a hierarchical scrutiny of the dynamics of the functioning of drug trafficking, the author goes back to the argument that, rather than *criminals*, the *women mules* of the transnational market for illicit substances are *victims of organized crime* networks that aligned drug trafficking and trafficking crimes.

The referral given to Souza to the technical opinion she signed, an agent of legal devices to defend the rights of women in conflict with the law, if not break with the logic of normative production of a *crime type* - as they do, for example, the philosopher Angela Davis [6] and the anthropologist Dolores Juliano [5]-trigger tactically articulated categorizations in the judicial and legislative arenas. The categories that base the lexicon of the legal milestones, which are: authors and victims of criminal practices.

Luísa Luz Souza's argumentative strategy resumes the speech of public defender Isabel Machado in the interview series published on YouTube about the difficulty of defending socially located people as *mules* in the face of legal paradigms that formalize laws to repress trafficking drugs in Brazil (page 4 of this article). Based on the legal frameworks that define the crimes of drug and human trafficking, Luísa's argumentative tessitura undertakes the possible defense of certain subjects criminalized by drug war policies. On the other hand, the production of the subject victim presupposes the existence of a perpetrator of the crime. A tormentor, or an enticer, as it appoints defender Isabel Machado. A subject to be potentially criminalized by a sum of *criminal activities*: in the drug trade, in the enticement of *mules women*, which would imply in the crime of trafficking in persons, and finally, by their connection on the *organized crime* networks that

manage illegal trafficking networks.

The textual and discursive productions of the lawyers Lúsa Luz and Isabel Machado incur the sophistication and the attempt of not simplifying the distinctions between the *different figures* that make up the *crime* networks of the international drug trafficking. In this sense, both defenders aim to bring the *mules* closer to the figure of *victims in trafficking in persons* and thus to enable the defenses of these subjects in the legal-police-criminal arenas. The unfolding of this normative and legalistic entanglement has been, however, a flattening discursive that quickly binds women as victims and men as recruiters.

Feminist authors such as Avtar Brah [7] and Adriana Piscitelli [8] have argued, through the notion of intersectionality, that subjects are never categorized in isolation by gender attributes, for example. Rather, such attributes are inescapably produced by categories of differentiation that racialize and locate people differently (and asymmetrically) in the relations and crossings of borders, by class and nationality. The intersectionalities of gender, race, and class falls upon the figures categorized as victims, as well as those responsible for recruiting workers for drug trafficking. Lastly, the differentiation between victims and criminals of trafficking networks does not break with the way in which trade in illegal substances has been triggered as a state practice that criminalizes certain racialized and poor populations.

Before going on, it is worth remembering that Diaz-Cotto's arguments, emblematic of analyzes of how the geopolitical ordering of the *drug war* criminalizes territories such as Latin America and Africa, echoes analyzes produced from other contexts. Authors such as Lila Abu-Lughod [9] and Gayatri Spivak [10] have explained how, through the same attributes that categorized women to *vulnerability* and men to *danger*, colonial ventures have historically been in South Asian countries, as well as those geopolitically recognized as third world [11] or, more recently, global south.

In a similar way, by questioning what it means the production of notion of a "crime" on American society, Angela Davis [3] makes explicit the perversity relation between black African slavery, up to the end of the nineteenth century, with the legal-normative and legalistic criminal productions that are strengthened in the early twentieth century. Davis's famous question to inquire about "what is considered a crime" [3] in the legal entanglements of contemporary societies, in itself, provokes an analytical look at how the notion of *crime* relegates specific market and trade practices. Practices that are triggered as survival tactics of certain difficult to ignite the formal labor markets [5]. Angela Davis's provocation in this case, prints out a careful analysis of how risk and danger

attributes have categorized black and "colored men" [7] in their relationships with state practices and government agents.

The careful attempt by humanitarian lawyers to differentiate between *victims* from the *perpetrators* of drug and human trafficking was aligned with the normative production of *public security* lawyers interested in mapping the *organized crime* in Brazil [12,13]. *Vulnerable* victims of the powerful *networks of transnational organized crime* will be categorized by the attributes that underlie the notion of *crime* in judicial and police operations carried out by national security agents and state borders. This is a notion produced by intersections of gender, race, class, nationality and entanglements of global governmentality.

At the extreme tip of work inspections, the flow of goods and populations crossing the frontiers, transnational criminals will be categorized as *men of color*: Nigerians, Brazilians and Latin Americans. *Vulnerable* women will be black Latinas and Africans. *Criminal men* and *vulnerable women* will be arrested, accused of participating as *perpetrators* and / or *victims* of transnational *organized crime* networks. Notion of a criminal organization, which implied, in 2013, the promulgation of the law of *organized crime* [14] and in 2016, in the new Brazilian law to repress trafficking in persons.

### Gender, Race, Class and Nationality on the Margins of Organized Crime: Violence and Legal Devices in Ethnographic Research

At the end of November 2017, already hot and humid in Brazil, ex-prisoners who left the São Paulo prison system were gathered for Sunday lunch. The meetings, as usual, took place at the home of a group of Filipino women who had met while serving their sentences on charges of *international drug trafficking* at one of the women's penitentiaries in the capital of São Paulo State. The apartment was two blocks from the last prison unit where all the women gathered have been there. A penitentiary unit focused on serving a semi-open sentence, the last stage before the parole signature and the end of the sentence.

The meetings that took place almost every month, were always scheduled on Sundays: a day of rest for women who occupied jobs as day laborers, cleaners, cooks and caregivers of children and the elderly in the homes of families living in the noble neighborhoods of the city. According to them, they received wages well below for their labor compared to what was paid Brazilian workers, due to their migratory situations. In their narratives, the upper-middle-class families they worked for exploited their conditions of undocumented or insecure migratory.



Foreigners arrested in Brazilian territory on charges of committing activities categorized as crimes by the penal code are also face deportation filed by the Ministry of Justice in addition to the crime that they were accused for. This process is based on the Brazilian Migration Law, which was sanctioned on May 24, 2017. Law 13.445 [15] replaced the Alien Statute, which regulated migratory transits across national boundaries Brazilians since 1980. The “Statute of the Foreigner”, inherited from the period of the military dictatorship and that legislated on the life of immigrants in Brazil until the middle of 2017, had, as Márcia Sprandel [16] called it, national security as its main mote. The Migration Law sanction could be considered a legal advance against the Statute of the Foreigner. The new law clarifies, for example, that people serving time in Brazil have the right to reside in the national territory during the sentence period, thus enabling those sentenced in a semi-open regime or conditional release to acquire the Individual Registry of Federal Revenue Service, without it is impossible to obtain the Work Card. Both documents regularize the formal work activities in the national territory. The Migration Law also regulated that convicting foreigners in Brazil have access to the same regimes of progression to which the Brazilian prisoners are subjected.

Turning once again to the theme of deportation, the text of the Migration Law of 2017 defines that “deportation consists of an administrative measure of compulsory withdrawal of the migrant or visitor from the national territory, together with the impediment of re-entry by term” [15]. Such a definition differs from that previously established by the “Alien Statute” on several points. One is that the deportation now has a fixed term, which establishes a period during which the foreigner will be prevented from entering Brazil. For those convicted of a *common crime*, that is, crimes that do not falls under war crimes or crimes against humanity, the period becomes proportional to the time of the sentence, never greater than double the years of the criminal conviction.

As described in the text of Law 13.445 [15], there are loopholes for the deportation of foreigners from the national prison system to be revoked. Such revocation depends on the proof of the “resocialization of the foreigner”, as well as the recognition of Brazilian children. The fact that the crime of drug trafficking is considered equivalent to heinous crime (as well as the crime of torture) by Act 11.343 of 2006 [17], however, may imply different understandings about the possibility of deportation being revoked in the case of foreign persons convicted in the drug law prosecution. More than that, even if there is a revocation of the deportation, by the text of the Migration Law, there is the impediment of receiving a permanent visa for foreigners who have been convicted of crimes committed in national territory.

In the narratives and trajectories of my research interlocutors, the transits produced by the drug trade were not directly related to the intention to migrate, but the imprisonment, precisely this apparatus of containment and fixation of the populations - through the time of the sentence, the days spent in fulfillment of sentence, and especially through the ties woven within it - opened up migratory perspectives and longings. *Wanting to stay* in the country where the sentence was served, even after freedom, appeared as the transposition of the prison to migration. The women gathered in that apartment for Sunday lunch were all from the Philippines and South Africa who, having completed their criminal sentences, wanted to stay in Brazil as regular migrants. They wanted to work, study, marry, get medical treatment and live in the country where they had been convicted.

As a result of their desire to remain in Brazil and the fact that they were all members of the prison system, which made them necessarily *illegal immigrants*, our conversations at those Sunday lunches undoubtedly went through the possible strategies of documentary and regular production of their migratory situations. South African Rebecca, for example, lives in a city in the metro area of São Paulo that is directly across from one of the city’s most luxurious residential condominiums. At fifty-five, she works as a housekeeper and child-caregiver in a family home where she sleeps from Monday to Friday, returning to her own home only on weekends to stay close to her husband, one of the janitors of the same condominium.

Having finished serving her sentence in 2009 and living in a stable union with her partner since 2013, Rebecca, however, depends on the provision of the refugee protocol which allows her to remain in Brazil while her refugee claim process is under review in CONARE<sup>5</sup>. Provisionally because she requested the refuge knowing already, in advance, what request would be denied. Nevertheless, the refuge protocol is a tool that allows her to remain in Brazil in a legal status through the channels of provisionality.

The refuge protocol is a document that freezes deportation, since it cannot be enforced while the refuge process has not yet been judged. In addition, this very simple paper, containing photo, full name, address, telephone number and e-mail of the applicant, allows the issuing of the work permit by the Ministry of Labor and Employment. This portfolio enables the opening of a banking account and, as

5 CONARE - National Committee for Refugees is the body responsible for examining applications and declaring the recognition, in the first instance, of refugee status, as well as for guiding and coordinating actions necessary for effective protection, assistance and legal support for refugees. See: <http://www.itamaraty.gov.br/pt-BR/politica-externa/paz-e-seguranca-internacionais/153-refugiados-e-o-conare>.

a result, the issuance of a credit card. The refuge protocol is valid for one year and must be renewed annually until the decision on the request for refuge is granted or denied. The Federal Police has issued this role and has been the main documentary strategy implemented by foreigners from the prison system in order to regularize, even temporarily, their permanence in the country.

The provisional nature of her migratory condition through the refuge protocol, however, is an element of constant anguish for Rebecca, so that she began to study Brazilian immigration laws and regulations in order to seek possibilities for the realization of a condition of greater security for their migratory stay in the country. That same Sunday, November 2017, at the home of her Filipino friends, Rebecca asked to speak to me. We went to the small balcony of the apartment where Rebecca lit the cigarette she held between her fingers and showed her shaking. Almost in whispers and teary-eyed, Rebecca began to tell me facts which, she hoped, might reveal a possibility of completely changing her criminal process, as well as opening up real possibilities for her to remain as a migrant from Brazil.

Rebecca said she did not tell many people how it had been the first days she came to Brazil to get the drug she would take to Portugal. But since, in the days leading up to our meeting, she had read about the crime of *trafficking in persons*, as well as the law of repression against the same crime sanctioned in October 2016, which grants permanent residence to the victims of this crime, regardless of her migratory situation and collaboration in administrative, police or judicial proceedings, she decided to reveal facts that could locate her as a victim of human trafficking. That was how Rebecca told me that when she arrived from Johannesburg to São Paulo, she was taken to a room where she was locked for about three days. Rebecca was very emotional, saying that during those days, she was hardly fed, and she did not know what they had done with her suitcase and her documents. Without specifying the kinds of physical abuse to which she might have been subjected, Rebecca merely repeated that the man who held her in that captivity was *very crude, dirty, and violent* keeping between the lines that she could have even been raped. After listening to her story, I said that I considered that her case could be framed in the law to repress trafficking in persons, if so, we could talk with public defenders to know how and if such characterization would result in the granting of a stay visa in Brazil for Rebecca.

During the week, we went to the Public Defender of the Union in order to clarify our doubts. In her hands, Rebecca carried a folder containing all her documents: protocol of refuge, history of past appointments in the defendant's office and two passports, one with her maiden name and the other with her married name. Rebecca was married to a man who

remained in Johannesburg. A man she had a good relationship with, and for whom Rebecca held high esteem, though she no longer considered him her husband, since her spouse for at least four years, was the janitor of the condominium where she was employed. In order to effect divorce with the South African husband, however, Rebecca relied on financial resources to pay the expensive fees charged. So, in the roles that Rebecca took to legal counsel, she was married in South Africa and single in Brazil.

Already sitting in front of the lawyer who would talk to us that day, Rebecca was carefully handing over her documents and trying to explain her situation, as well as exposing her wish to stay legally in Brazil. Handling the documents Rebecca handed over, however, the lawyer interrupted her and asked, "Are you married to a Nigerian?". Embarrassed, Rebecca said she had been married to a Nigerian but had been living in a stable union with a Brazilian man since 2013. He continued to inquire about her marriage to the Nigerian man and why she had two passports, one with the South African name and another with a Nigerian name. Rebecca tried to explain that one of the documents included her maiden name and the other her married name that were listed in the records of the Brazilian Federal Police and the South African consulate. The defender, in an inquisitive tone, continue to inquire about her marriage in South Africa to the man whom I, on that occasion, only discovered to be a Nigerian.

After nearly twenty minutes of uncomfortable moments as a result of Rebecca's documents, which included her ex-husband's last name, Rebecca was able to tell, lowering her voice down in a way that could be heard only by the lawyer attending her, which she had told me that Sunday, as she smoked, trembling, her cigarettes. It was only after Rebecca finished telling her story that I asked the lawyer if, in that case, it would be the case to file legal proceedings that would categorize her as a victim of human trafficking. My question followed by his answer:

"I understand what you're talking about. I have followed the Land, Labor and Citizenship Institute publications that support the thesis that all female mules are victims of human trafficking. But how do we prove what you're talking about? We were going to have to produce proofs about what you're talking about. It's no use. The best way out is the one you're already doing. Keep asking for the refuge protocol and stay here for as long as she can, until they judge the request for refuge. It's gonna take a while. After they judge the request, then you come back here and we think about other exits. In the meantime, you're staying".

We left the lawyer's office the way we entered. Rebecca would have to live her migratory condition from the momentary anxiety that distressed her. Even if it were a

temporary measure that *would take years to be judged*, she longed for a more stable documentary situation: the stay visa in Brazil. The conversation with the public defender, however, made Rebecca understand not only that her attachment to the country she had lived in over ten years (counting her time in prison) depended on the fragility of the refugee protocol. In addition, the possibility of being categorized as a *victim of trafficking in women* by national state apparatuses was impracticable.

On the way out of the Union Public Defender's office, I questioned Rebecca about the possibility of obtaining proofs of the facts that she had told us. Regarding the victimization processes she suffered in the apartment that she had been trapped during her first days in Brazil. Processes that could produce her as a victim of trafficking in persons and, thus, make it possible to obtain her stay visa. From my inquiries, Rebecca considered that she did not know the name, nationality or any other data of the man who kept her locked in that apartment. Therefore, it would be very difficult to track him. But her concerns went far beyond that information. Rebecca explained what it meant to produce evidence that she had been *trafficked* and how this *evidence* could culminate in a process of criminalization of her former Nigerian husband living in Johannesburg. It was only then that I understood the public defender's reaction when he noticed in Rebecca's documents the Nigerian name of her spouse with the impediment she set out to produce *evidence* in relation to the violations she suffered.

Still in South Africa, Rebecca was determined to travel to Brazil in search of cocaine to take to Portugal. The profits from this trip would provide her with enough resources to start a small food delivery venture. Her husband knew a neighbor where they lived who could help Rebecca to make the trip. That is, one of her neighbors in Johannesburg could put her in contact with people in Brazil, that provided her with the drugs taken to Portugal. After being seen by the public defender, Rebecca told me how to produce evidence against the man who had kept her locked and who had abused her in her first days in the city, which would lead to the criminalization of her ex-husband and her neighbor. Both men living in Johannesburg, both people whom Rebecca knew were not the perpetrators of the violence she suffered. More than that, the reaction of the public defender when faced with the Nigerian name printed in its documents already denoted the suspicion relayed to the men of the nationality of her ex-husband. Rebecca had clarity that producing evidence could lead her to be recognized as a *victim of human trafficking*, could also mean, in the transnational police apparatus of *repression of organized crime*, the same as producing prosecution cases criminal against one of the people she cared for most: her ex-husband, her friend. Taking this perverse transnational legal-police injunction into account,

Rebecca accepted the suggestion of the public defender and complied with the condition of living in a unstable migratory situation.

### Final Considerations

In October 2016, law 13.344 [18] on repression of trafficking in persons was sanctioned in Brazil. The law, in close interaction with the Palermo Protocols, amended the penal code with regard to trafficking in persons. In addition, it focused on the national legal provisions of migration, granting permanent residence to victims of human trafficking in the national territory, regardless of their migratory situation and their collaboration in administrative, police or judicial proceedings [19].

On the other hand, Law 12.850 [14], which defined in 2013, *organized crime* in front of the Brazilian judicial apparatus, produces the category of *prize collaboration*. Category defined as privileged method of investigation and obtaining evidence against "organized crime networks". Award-winning collaboration means deliberative processes in which people accused of international drug trafficking, for example, have their penalties diminished by reporting *commanding officers* or having *higher positions in the crime hierarchy*. The legal understanding in this case is that people willing to delate would not be an integral part of *organized crime* networks, rather, they would be their "victims". Through this understanding, the principle of *privileged traffic* was formulated. This defines "the reduction of sentence provided for in paragraph 4, Article 33 of Law 11.343/06 [17] (known as the Drug Law) to persons convicted of drug trafficking when they are primary, have a good record and do not belong to a *criminal organization*". Evidence of not being a member of a criminal organization has, in practice, been through giving, or implementing the *award-winning collaboration* method. This has led to a juxtaposition between the law of repression of trafficking in persons, repression of drug trafficking and repression of organized crime. It is a scramble for methods that presuppose, on the one hand, the right of non-cooperation with criminal investigation (law to repress trafficking in persons) and, on the other hand, the undertaking in collaboration with criminalization procedures through the *awarding credit*. If the Brazilian law of repression of trafficking in persons of 2016 states that recognition of the status of a victim is independent of her(his) collaboration with police investigation procedures, however, there is in practice an incentive to denounce *criminal networks* in refers to *figures* categorized as *mules* by lawyers and government agents or humanitarian organizations.

Rebecca is subject to this juxtaposition. According to technical advice and video material provided by the Labor, Land and Citizenship Institute humanitarian organization,

she could be considered as a *mule* of the transnational drug market. In other words, a woman victim of organized crime networks women and drug trafficking. In order to produce the *victimization* burden, however, it would be necessary for Rebecca to inform her contacts with the drug market, and that is: the men in her network of affection and friendship, particularly a *Nigerian man* whose criminal attributes are presupposed by knowledge of transnational public safety itself [20]. Furthermore, a black man criminalized by state apparatus and control of national boundaries as a result of gender and race categorizations that locate him before them. Black masculinities categorizations that have, broadly and historically, marked the production of notions of crime and illegalities. Categorizations even more intensified by the production of the notion of *transnational organized crime* that is reiterated by the idea of trafficking in persons.

It is from the process of criminalization of black masculinity that it grounds the idealization of a "Nigerian ethnic mafia" [20] that speaks of the public defender's reaction to the Nigerian name printed on Rebecca's passport. The name occupied a position of centrality that carried assumptions based on the notions that black men occupy positions of command in international traffic networks.

*Criminal men and vulnerable women* are tackled by the production of public safety and humanitarian knowledge in the jargon *all women accused of international drug trafficking are victims of the crime of trafficking in persons*. Such a feminist salvationist emblem is undoubtedly the result of good intentions. However, in producing the possible strategies for defending women accused of international drug trafficking, they ignore affection networks, political capacities and even the real kind of violences suffered by them [21]. In other words, the humanitarian jargon that lined up *drug trafficking* with *trafficking in persons* reinforces the police and legal apparatus of repression against *organized crime* without actually protecting the women to whom it returns.

The idea of victims of transnational organized crime does not produce critical ruptures with the *figures* that - whether through *vulnerability* or *criminality* - continue to be subjects of policing and juridical apparatus and, in the case of Rebecca, also subjected to border security apparatus. Frontiers that define which subjects are subjects of mass incarceration in Brazil and throughout the globe.

As Angela Davis [22] has also argued, white Euro-Western feminist salvationist crusaders, in addition, reiterate the processes by which black women have been systematically victimized: massacre and imprisonment processes of their husbands, brothers, fathers, sons. Of the black men who integrate their networks of affection and solidarity. Finally, if Rebecca was raped by a man, the criminal type of trafficking

in persons did not allow her the recognition of this violence, nor the migratory shelter she craved. Before, the crime type trafficking in persons could have taken her ex-husband to jail [23,24].

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