

DEPARTMENT OF STATE

AIRGRAM

POL 15 BRAZ
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| ORIGIN/ACTION | | | |
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| USIA | NSA | SIA | NSC |
| 10 | 3 | 16 | NSC |

Original to be Filed in _____ Decentralized Files.

FILE DESIGNATION

AIR POUCH
HANDLING INDICATOR
TO : DEPARTMENT OF STATE
INFO : RIO DE JANEIRO

A-22
NO.

FROM : AMEMBASSY BRASILIA

DATE: May 18, 1970

SUBJECT : Revolutionary Punishment

REF : State 073691; Rio 3226

SUGGESTED DISTRIBUTION

1. In a loose sense, the use of exceptional powers derived from IAS1, 2, 5, or 10 to punish people has come to be called "cassation". In strict terms, however, "cassation" is only one of several revolutionary punishments, and it means annulling the mandate of an elected official. It always refers, in the legal language of the Diario Oficial, to the mandate and not the person. In practice cassation is usually, but not always, coupled with the deprivation of the victims political rights for ten years but this must be specifically spelled out. Another revolutionary punishment, which is not strictly speaking cassation, is forcible retirement under IA-5 or 10. Also, military can be transferred to the reserve under IA-17 for specific periods of time.

2. Punishments under IAs are continuing at a fairly steady rate. A review of the Diario Oficial for April 1970 shows 31 people have been hit, some of them twice:

A. April 1: The forced retirement of a minor official of the post office department; the forced retirement of eight people in RGS including teachers, and middle and low level police officials.

B. April 2: The suspension of the political rights of eight Oswaldo Cruz scientists.

C. April 6: The forced retirement of two biologists under IA-5 and of eight under IA-10. (These are eight who previously lost political rights. IA-10 requires the retirement from government employment anybody who has lost his political rights.)

Group 3 - Downgraded at 12-year intervals
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D. April 7: The forced retirement of a lawyer employed by a military court.

E. April 16: The forced retirement of four active duty officers and one NCO and the removal from the reserve of one reserve second lieutenant.

F. April 27: The forced retirement of five military police officers in Paraná "without prejudice to possible legal punishment".

3. Also in April the GOB used IA-5 to intervene in substantial São Paulo municipio of São Carlos. While technically this is not a revolutionary punishment, it does effectively cassate the mandate of the elected mayor.

4. Not all revolutionary punishments would seem to be political in inspiration. In the past we have inquired into some of these "quiet" retirements of military men and were told that they were involved in smuggling or some other common crime. The wording used in some cases "without prejudice to possible legal punishment" may also indicate non-political crimes are involved. It seems likely that the GOB finds retirements instead of trials convenient. Generally it goes unreported in the press whereas publicized trials of military personnel for common crimes could tend to tarnish military image. Whether such retirements are political or not, they do not provide the victim with an opportunity for defense and at least up to now has not been revokable.

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