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Department of State

INCOMING  
TELEGRAM

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1249

ACTION ARA-00

INFO LOG-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 EB-08  
DODE-00 H-01 NSC-01 NSAE-00 COME-00 SY-06 HA-08  
L-03 PM-10 PA-01 MCT-04 OMB-01 INM-07 FRB-03  
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R 281221Z SEP 85

FM AMEMBASSY BRASILIA  
TO SECSTATE WASHDC 2726  
INFO DEPTTREAS WASHDC  
USSOUTHCOM QUARRY HEIGHTS  
RUEOSBA/24COMPW/DOI HOWARD AFB PM  
CINCLANT NORFOLK VA  
AMCONSUL RIO DE JANEIRO.  
AMCONSUL SAO PAULO  
AMCOSUL BELO HORIZONTE POUCH  
AMCONSUL PORTO ALEGRE POUCH  
AMCONSUL SALVADOR DA BAHIA POUCH  
AMCONSUL RECIFE POUCH

~~CONFIDENTIAL~~ BRASILIA 10345

TREAS PASS TO DEFALCO/JUBA

DEPT PASS TO FED. RESERVE FOR TRUMAN AND CONNORS

E.O. 12356: DECL: OADR

TAGS: PHUM, PGOV, PINS, BR

SUBJECT: NAMES OF TORTURERS TO BE RELEASED

REFS: A) BRASILIA 9185, B) BRASILIA 8404,  
C) BRASILIA 8366

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: HUMAN RIGHTS ACTIVISTS IN SAO PAULO, IN RECENT MEETINGS WITH EMBASSY AND CONSULATE POLOFFS, INDICATED THAT THE ISSUE OF POLITICAL TORTURE AND DEATH PRIOR TO THE 1979 AMNESTY LAW MAY AGAIN BE A MAJOR ISSUE IN THE NEW REPUBLIC. END SUMMARY.

3. THE RECENT ROUND OF POLITICAL TORTURE DENUNCIATIONS HIGHLIGHTED BY THE BETH MENDEZ/COLONEL USTRA INCIDENT (REFTEL A) WAS REMOVED FROM THE MEDIA SPOTLIGHT BY THE ABI ACKEL/GEMSTONE SMUGGLING CASE, AND THE REPLACEMENT OF THE TREASURY MINISTER. THE ONLY CONTINUING ITEMS OF NATIONAL INTEREST HAVE BEEN THE BAUMGARTEN CASE (REFTEL B), WHICH HAS MANAGED TO REGAIN ATTENTION WITH THE RECENT INDICTMENT OF GENERAL (RESERVE) NEWTON CRUZ, AND THE POSSIBLE REOPENING OF THE 1981 RIO CENTRO BOMB CASE. WITH THOSE EXCEPTIONS, THERE HAS BEEN LESS ATTENTION THIS MONTH FOCUSED ON THE REPRESSION ACTIVITIES OF THE MILITARY DURING THE "REVOLUTION." HOWEVER, STATEMENTS RECENTLY MADE IN SAO PAULO BY PT HUMAN RIGHTS ACTIVIST LAWYER LUIZ GREENHALT INDICATE THE ISSUE WILL CERTAINLY RESURFACE. HE STATED THAT HE AND THE PT WILL ATTEMPT TO HAVE FORMER TORTURERS BROUGHT TO TRIAL FOR THEIR ACTS, AND THAT THE 1979 AMNESTY LAW COULD NOT BE USED AS A PROTECTION, BECAUSE THE ACTS WERE "CRIMES OF BLOOD," AND THUS SPECIFICALLY EXEMPTED FROM THE AMNESTY. HOWEVER, STUDY OF THE AMNESTY LAW BY THE EMBASSY'S FSN LEGAL ADVISOR DOES NOT REVEAL ANY LEGAL BASIS FOR EITHER PROSECUTION OR CIVIL ACTION. ALTHOUGH TERRORISM, ASSAULT, KIDNAPPING, AND PERSONAL INJURY ARE EXEMPTED FROM THE AMNESTY, THIS EXTENDS ONLY TO THOSE ALREADY CONDEMNED FOR SUCH CRIMES.

IN ANY CASE, IT IS APPARENT THAT ATTEMPTS WILL BE MADE TO KEEP THE ISSUE IN EVIDENCE.

4. AN ADDITIONAL FACTOR IS THE LIST OF TORTURERS COMPILED BY THE SAO PAULO ARCHDIOCESE GROUP WHICH PUBLISHED THE BOOK "BRAZIL, NEVER AGAIN" (REFTEL C). AT THE TIME THE BOOK WAS RELEASED, THE COMMISSION MEMBERS DID NOT INDICATE WHETHER OR WHEN THEIR LIST OF 350 TORTURERS WOULD BE RELEASED TO THE PUBLIC. REVEREND JAIME WRIGHT, A PRESBYTERIAN MINISTER, BORN IN BRAZIL, OF AMERICAN MISSIONARY PARENTS TOLD POLOFFS THAT THE COMPLETE LIST OF TORTURERS WILL BE MADE AVAILABLE TO ALL WHO REQUEST IT, AS SOON AS THE NOVEMBER 15TH MAYORAL ELECTIONS ARE OVER. HE STATED THAT THE COMMISSION DID NOT WANT TO INFLUENCE THE ELECTIONS THROUGH PREMATURE RELEASE OF THE NAMES. WRIGHT ALSO STATED THAT THE LIST CONSISTS ONLY OF FULLY VERIFIED CASES OF TORTURE, AND PROVIDES SEVEN IDENTIFYING ELEMENTS FOR EACH TORTURER, INCLUDING FULL NAME, MILITARY/CIVILIAN RANK, COMMAND, CITY, YEAR OF OCCURRENCE, ETC. IN HIS ONLY REFERENCE TO A SPECIFIC INDIVIDUAL, HE NOTED THAT COLONEL USTRA HAD BEEN ON THE ORIGINAL LIST FOUR TIMES, BECAUSE OF ACCUSATIONS ON FOUR DIFFERENT YEARS. HE FURTHER STATED THAT SOME OF THE NAMES ON THE LIST WOULD BE "REAL SURPRISES." WRIGHT'S BROTHER DISAPPEARED WHILE IN CUSTODY OF THE SAO PAULO DOI-CODI IN 1973, AND WRIGHT HAS BEEN A HUMAN RIGHTS ACTIVIST SINCE THAT TIME, ALTHOUGH NOT SUPPORTED BY THE CONSERVATIVE PRESBYTERIAN CHURCH OF BRAZIL. HE TOLD POLOFFS THAT HE HAD RETAINED HIS AFFILIATION WITH THE PRESBYTERIAN CHURCH OF NEW YORK WHICH HAS ALLOWED HIM TO DEVOTE HIS WORK TO THE COMMISSION OF JUSTICE AND PEACE ORGANIZED BY THE ARCHDIOCESE OF SAO PAULO.

5. COMMENT: THERE SEEMS LITTLE LIKELIHOOD OF PROSECUTION FOR POLITICAL REPRESSION AND TORTURE PRIOR TO THE 1979 AMNESTY. IT DOES SEEM LIKELY THAT THE ISSUE WILL AGAIN BE THE SUBJECT OF VOCIFEROUS DISCUSSION. END COMMENT.

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