

# AIRGRAM

POL 29 2011

SR SAC 11 BRAZ

FOR RM USE ONLY

XX Pol 5 BRAZ

AIR POUCH

HANDLING INDICATOR

XR POL 23 BRAZ

ACA-10		
RM/R	REP	AF
1		
ARA	EUR	FE
NEA	CU	INR
		5
E	P	IO
	2	5
	FBO	AID
3		9
SEA	SP	FIN
1	1	1
AGR	COM	FRB
INT	LAB	TAR
TR	XMB	AIR
		5
ARMY	CIA	NAVY
3	20	5
OSD	USIA	NSA
34	10	3
		NSC
		6

20

A-27

LIMITED OFFICIAL USE

TO : DEPARTMENT OF STATE

INFO : RIO DE JANEIRO  
(Rio Pass Other Brazil Posts)

FROM : AMERICAN EMBASSY BRASILIA DATE: May 20, 1969

SUBJECT: Supreme Court Limits I.A.5 Restrictions on Habeas Corpus

REF :

1. In a decision delivered May 13, 1969, the Supreme Court (STF) ruled that misdemeanors arising from the Brazilian numbers racket (jogo de bicho) were not included under Article 10 of I.A.5. Therefore the accused in these cases are permitted normal recourse to habeas corpus proceedings.

2. Comment: This ruling limits one of the broader interpretations of I.A.5 which police forces are using. A similar ruling that smugglers are not subject to the habeas corpus limitation of I.A.5 was handed down by the Federal Appeal Court in March (Rio 1279). Although the courts have been willing to make decisions limiting the scope of I.A.5, there has been no attempt to rule on the constitutionality of the post December 13 Institutional Acts. In fact on the same day as the STF's ruling, the Court decided that a person arrested for possessing "subversive" literature was not eligible for habeas corpus even though the accused alleged that the documents in question were campaign pamphlets left over from the municipal elections of November 1968. This STF decision, as have other court actions, implicitly recognizes I.A.5 as valid legislation.

LOW

Decontrolled following May 20, 1970

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In  Out

FORM 4-62 DS-323

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Contents and Classification Approved by: POL/SIOW SL

Clearances: