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14. APP BY: J.E. MCCARDELL, RADM, USN, DATT
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TO DIA WASHDC

INFO USCINCSO QUARRY HEIGHTS PN//SCJ2-IAD//
USDAO RIO DE JANEIRO BR DIA WASHDC//DB-3E1/
BT

UNCLAS

SUBJ: IR 6 809 0727 81/BRAZIL/ADM (RET) BIERRENBACH DISSENTS ON
MILITARY SUPREME COURT RIOCENTRO DECISION/(U)

DIA FOR IR BRANCH

THIS IS AN INFO REPORT, NOT FINALLY EVALUATED INTEL

1. CTRY: BRAZIL (BR)

2. IR NO: 6 809 0727 81

3. TITLE: ADM (RET) BIERRENBACH DISSENTS ON MILITARY SUPREME
COURT RIOCENTRO DECISION.

4. DATE OF INFO: 811007

5. ORIG: SEE FM LINE

6. REQ REFS: T-XXX-42015X, Y-DIRM9-002

7. SOURCE: OPEN SOURCE, VEJA MAGAZINE, 811007, RIO DE JANEIRO.

8. SUMMARY: THIS IR FORWARDS SYNOPSIS OF TWO ARTICLES APPEAR-
ING IN 07 OCT 81 VEJA MAGAZINE, REGARDING BRAZNAV ADM (RET)
JULIO DE SA ((BIERRENBACH))'S DISSENSION ON MILITARY SUPREME
COURT REGARDING THAT BODY'S DECISION TO CLOSE THE RIOCENTRO
INVESTIGATION.

9A. DETAILS:

IN A RECENT MILITARY SUPREME COURT DECISION TO CLOSE THE BOOKS
ON THE MILITARY POLICE INQUIRY INTO THE RIOCENTRO BOMBING INCI-
DENT, FOUR JUDGES DISSENTED, AMONG THEM ADMIRAL (RET) JULIO
DE SA ((BIERRENBACH)). OTHER DISSENTING JUDGES WERE ADM (RET)
ROBERTO ((ANDERSEN)) CAVALCANTI, AF GENERAL DEOCLECIO LIMA DE
SIQUEIRA AND CIVILIAN JUDGE GUALTER GODINHO. ADM BIERRENBACH
WANTED THE INQUIRY TO BE REOPENED, AND WAS CRITICIZED BY
OTHER MILITARY JUDGES FOR "OFFENDING THE ARMY AND THE MILITARY
PUBLIC MINISTRY." BIERRENBACH'S RESPONSE WAS THAT "THE ACTIONS
OF A FEW SERVICE MEMBERS DO NOT COMPROMISE THE INTEGRITY OF
THE ENTIRE ARMY. IMPUNITY, HOWEVER, LEADS THE ARMED FORCES
TO DISGRACE." IN PROTEST OF THE FINAL DECISION, BIERRENBACH
STATED "WE ARE TALKING ABOUT THE MOST DISGRACEFUL OF CRIMES,
TERRORISM, ON THE BORDER OF IMPUNITY. FOR MUCH LESS, THIS
TRIBUNAL HAS CONDEMNED DEFENDANTS TO MUCH WORSE."

IN A RELATED ARTICLE GIVING ADM BIERRENBACH'S POLITICAL BACK-
GROUND, HE IS CHARACTERIZED AS BEING TRADITIONALLY HARD LINE,
EVEN IN THE DAYS WHEN SUCH TENDENCIES COULD LEAD TO IMPRI-
SONMENT (PRE '64). HE WAS HAND-PICKED BY FORMER PRESIDENT
ERNESTO GEISEL FOR MILITARY SUPREME COURT JUDGE (1977), SINCE,
AS GEISEL STATED "I NEED A TOUGH MAN ON THE COURT." ALTHOUGH
SMOEWAT "FEARED" FOR FAVORING THE DEATH PENALTY, ADM BIERRENBACH
GAINED NOTORIETY IN SUCCESSIVE PROCEEDINGS AGAINST POLITICAL
PRISONERS FOR HIS FIRM STANT AGAINST TORTURE. WHEN CONFUSED
WITH HISTORICAL LIBERALS, HOWEVER, HE CLARIFIES: "I AM A
MILITARY MAN." BIERRENBACH DIVIDES THE CURRENT GOVERNMENT'S
ALLIES IN TWO GROUPS: THOSE WHO MADE THE REVOLUTION (OF '64)
AND THOSE WHO TAKE ADVANTAGE OF IT.

9B. ORIG CMTS: NA

10. PROJ NO: NONE

11. COLL MGMT CODES: NONE

12. SPEC INST: NONE; DIRC: NO

ACTION DC-4(1) DIA(1) (U,6,7,8,F)

INFO NIDS(1) J3:NMCC(1) J5(2) RDJTF:LO(1) SECDEF:(1)
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