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Department of State

TELEGRAM

Amembassy BRASILIA

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INDICATE:

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ACTION: Secstate WASHDC

INFO: Amconsul RIO DE JANEIRO  
Amconsul RECIFE  
Amconsul SAO PAULO

BRASILIA 2386

SUBJECT: Allegation of Torture in Brazil

REF: State 116598 and 117951

1. In previous discussions with Members of Congress who have inquired into alleged mistreatment of prisoners in Brazil, spokesmen for U.S. Administration have made clear that there is valid basis for such charges, and have cited statements by high Brazilian officials who, in acknowledging truth of allegations, have claimed this not condoned. Peak of such reports was reached in period 1968-69, but remained at high level during 1970 and first half of 1971. While still heard with some frequency, there has been marked reduction during

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DRAFTING DATE

7/1/72

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past year of private and public reports of incidents.

This reduction is undoubtedly due in great part to GOB success in substantially reducing number of active terrorists; nevertheless there is evidence of a conscious policy from the top to eliminate the more grossly excessive police measures -- especially by military personnel -- without undermining the continuing and notably successful battle against terrorism.

2. Thus there is ample evidence that harsh interrogation techniques are still being employed at ~~regional~~ regional and local levels, in some areas and by some security units more flagrantly than in others. Despite strongly adverse international publicity on question, and despite distaste of at least most high officials for such measures, it is unlikely that excesses will be totally eliminated as long as this security-minded government believes that there still exists a significant terrorist threat, to the elimination of which is assigned first priority. Rightly or wrongly, many Brazilians attribute the success of anti-terrorism program to the strength of measures employed against subversives and there are indications that most Brazilians exercising influence

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upon the regime are prepared to accept international criticism ~~xx~~ so long as the Government considers these measures to be necessary.

3. In these circumstances, events within U.S. Congress, such as Church hearings of last year and Tunney amendment, are unlikely to have appreciable effect upon policies of GOB. Moreover, given Brazilian pride and sensitivity about sovereignty, efforts by any branch of U.S. Government or by U.S. political figures to bring pressure on Brazil would not only damage our general relations but, by reduction in equating/anti-terror measures with weakness under pressure, could produce opposite of intended result.

Indeed some Brazilian officials already have expressed indignation at size of vote supporting the defeated first Tunney amendment (30 senators) and fact that amendment was co-sponsored by Presidential contender.

While there seems to be some effort to downplay publicity regarding matter, amendment has been strongly denounced on floor of Brazilian Congress as intervention which contributes to exacerbation of anti-U.S. sentiment.

4. I am fully aware of essentiality of making clear on appropriate occasion and in appropriate manner that

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USG does not RPT not condone excesses in the form practiced in Brazil, and I believe that we have thus far succeeded in doing so without unduly jeopardizing our relations with this country or causing a counter-productive reaction on the part of GOB. I therefore fully ~~share~~ share Department's view that Tunney amendment or similar move is not appropriate vehicle for expression of U.S. concern over mistreatment of prisoners. Moreover, with respect to new formulation contained in State 117951, it obviously would be impossible for the President now or at any time in the future to be in a position realistically to certify that the ~~the~~ GOB is not engaged in torture of political prisoners. Indeed, I do not see how any such negative certification would be possible with respect to any country, without exception, simply because there is no way of ascertaining whether or not overzealous police officials, acting with or without authority, engage in practices of this ~~sort~~ sort.

5. I therefore strongly support Department's efforts to/dissuade senators from advancing the new proposal, and to encourage its defeat if offered. ~~In lieu~~ In lieu thereof we should continue quietly on our present course

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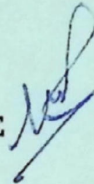
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which is more conducive to ultimate success, and  
certainly more consistent with relationships between  
sovereign states which share enormous common interests.

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