

THE CONFLICTING RELATION BETWEEN MILITARISM AND TRANSPARENCY IN BRAZIL: ANALYSIS OF FREEDOM OF INFORMATION REQUESTS AND DECLASSIFICATION OF DOCUMENTS


A relação conflitante entre militarismo e transparência no Brasil: análise de pedidos de acesso à informação e desclassificação de documentos

La relación conflictiva entre el militarismo y la transparencia en Brasil: análisis de solicitudes de acceso a la información y desclasificación de documentos.

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RESUMO

Como instituições militares no Brasil lidam com deveres de transparência e o que isso representa em relação ao ethos militar e à sua relação com a democracia, o Estado e a sociedade? Esta pesquisa visa a responder este problema, com objetivo de descrever como instituições militares no Brasil lidam com deveres de transparência e o que isso representa em relação ao ethos militar e à sua relação com a democracia, o Estado e a sociedade. Historicamente, militares têm uma relação complexa com a sociedade e o Estado no Brasil, buscando por vezes controlar as dinâmicas de poder. Mais recentemente, os controles democráticos foram fortalecidos, mas os militares ainda perpetuam práticas de fechamento. A pesquisa demonstra que as Forças Armadas e o Ministério da Defesa ainda tentam encaixar na atual ordem jurídica uma visão na qual os militares se legitimam e são diferentes de outros agentes públicos, sem os mesmos deveres de *accountability*. Isso é reforçado pela falta na ação de órgãos de controle, abrindo caminho para uso oportunista de restrições de informações pessoais e de risco à segurança nacional sobre documentos de interesse público.

PALAVRAS-CHAVE: Militarismo. Forças Armadas. Transparência. Lei de Acesso à Informação. Democracia.

ABSTRACT

How military institutions in Brazil deal with transparency duties and what does this represent from the militarism ethos and its relation with democracy, state and society? This research aims to answer this problem, so as to describe how military institutions in Brazil deal with transparency duties and what does this represent from the militarism ethos and its relation with democracy, the state and society. Historically, militaries have had a complex relation with society and the state in Brazil, often seeking to control power dynamics. Most recently, democratic controls have been strengthened, but militaries still perpetuate practices of closing. The research shows that the armed forces and the Ministry of Defense still try to fit in the current legal order a vision in which militaries legitimize themselves and are different from other public agents, without the same accountability duties. This is reinforced by the lack of action from control bodies, opening the way to opportunistic usage of restrictions of private information and of risk to national security in public interest documents.

KEYWORDS: Militarism. Armed forces. Transparency. Freedom of Information Law. Democracy.

RESUMEN

¿Cómo abordan las instituciones militares en Brasil sus obligaciones de transparencia y qué representa esto en relación con el ethos militar y su relación con la democracia, el Estado y la sociedad? Esta investigación busca responder a esta pregunta, describiendo cómo las instituciones militares en Brasil abordan sus obligaciones de transparencia y qué representa esto en relación con el ethos militar y su relación con la democracia, el Estado y la sociedad. Históricamente, las fuerzas armadas han mantenido una relación compleja con la sociedad y el Estado en Brasil, buscando en ocasiones controlar las dinámicas de poder. Más recientemente, se han fortalecido los controles democráticos, pero las fuerzas armadas aún perpetúan prácticas de secretismo. La investigación demuestra que las Fuerzas Armadas y el Ministerio de Defensa aún intentan integrar en el ordenamiento jurídico actual una visión en la que las fuerzas armadas se legitiman y se diferencian de otros agentes públicos, sin las mismas obligaciones de rendición de cuentas. Esto se ve reforzado por la falta de acción de los órganos de control, lo que facilita el uso oportunista de restricciones a la información personal y riesgos para la seguridad nacional en relación con documentos de interés público.

PALABRAS CLAVE: Militarismo. Fuerzas Armadas. Transparencia. Derecho de Acceso a la Información. Democracia.

1. INTRODUCTION

How military institutions in Brazil deal with transparency duties and what does this represent from the militarism ethos and its relation with democracy, state and society? This research aims to answer this problem, so as to describe how military institutions in Brazil deal with transparency duties and what this represents from the militarism ethos and its relation with democracy, the state and society. Historically, militaries have had a complex relation with society and the state in Brazil, often seeking to control power dynamics with authoritarian tendencies. Most recently, however, democratic controls have been strengthened after the 1988 Constitution, but militaries still seek to have a stake in decision-making processes (Oliveira, 2010; Reis; Santos, 2025).

Different historical landmarks throughout the 20th and 21st centuries show how militaries have tried — and, in some cases, succeeded — to oust elected leaders, influence processes and do not adhere to democratic and rule of law-abiding procedures and practices. With the most recent Constitution, fundamental rights and publicity were established as pillars of the state conduct, which creates normative expectations regarding the actions of state actors and bodies. This research singularizes transparency as an object of analysis, considering publicity as a crucial pillar of a state centered on public interest, in which, as a rule, everything the state does is public and motivated, with controlled and limited exceptions, as established by the Constitution and strengthened by the Freedom of Information Law (*Lei de Acesso à Informação*, or LAI), enacted in 2011 (Zuccolotto; Texeira, 2019; Rodrigues, 2020; Michener; Contreras; Niskier, 2018).

Almost 15 years after LAI's enactment, the open government institutional arrangement has been widened and society has mobilized LAI in the promotion of social accountability and control of public administration (Cruz, 2022; Medeiros; Crantschaninov;



Silva, 2013). Nevertheless, there are still challenges to transparency regarding limits of participation and problems in the information architecture that hinder publicity as determined normatively. This research aims to look at those problems of transparency with a focus on militaries in Brazil, relating them to the history and ethos of militarism in Brazil, as well as to its meanings to rule of law and to its relations with society currently. With that, the paper aims to contribute to studies on the relations between militaries in Brazil and society and the state, through the study of their interactions with LAI and transparency. The research is especially valuable as it uses freedom of information requests and the main sample of analysis, observing current and recurring conducts of the armed forces in the interaction with citizens through LAI.

The methodology is based on empirical documental analysis of access to information requests and data on classified/declassified documents. The analyzed cases were chosen in the General-Comptroller of the Union LAI database¹, focusing on issues and documents about the militaries' activities, responsibilities and the receipt of public funds and advantages. The research is qualitative and centered on requests so as to extract the positions of armed forces (Army, Navy and Air Force) and the Ministry of Defense and discuss them considering their history and transparency duties that compose what is established by law for the public administration to follow.

As put by Sandes-Freitas & Freitas (2024), case studies are important to conduct analysis focused on deep inferences of social phenomena, as well as understanding different elements that are among the causal elements of the studied issues. Even though there are limitations regarding the chosen sample, their elements and dynamics by the analysis of decisions and handlings of legal duties and exceptions represent a contribution to the research agenda on militarism in Brazil, transparency, freedom of information and rule of law. Table 1 shows the chosen request cases and their summaries.

Table 1 — Chosen request cases.

Request number	Body	Summary
60000.002798/2025-12	Navy	Declassified disciplinary procedures with redacted names of militaries.
60000.001211/2025-58		
60000.001440/2025-72		

¹Available at: <https://buscalai.cgu.gov.br/>.

60000.002797/2025-78		Use of the principles of hierarchy and discipline to deny access to names of militaries in disciplinary procedures.
60143.003347/2025-78	Army	Declassified documents excessively redacted.
60143.002412/2025-48		
60143.002695/2025-28		Functional records of militaries involved in the assassination of a former representative during the dictatorship.
60110.003939/2025-77	Ministry of Defense	Declassified documents on the evaluation of a military and on a defense cooperation agreement.

Source: the authors.



2. MILITARISM IN BRAZIL: A HISTORICAL AND INSTITUTIONAL ACCOUNT

This section aims to discuss different interfaces of militarism in Brazil, considering its historical context and construction, as well as contemporary issues. The main methodology to build the section was literature review of the historical and institutional debate about the social and political role of militaries in Brazil, highlighting key elements that describe their ethos and how they interact with the state and society groups.

Militaries in Brazil have a centuries-long relation with the state, institutions, rule of law and power control. Scholarship on this issue points out different landmarks of this entanglement involving militarism in the country. The proclamation of the Brazilian republic, breaking with the imperial regime, was led by young military groups influenced by positivist ideology. In the following years, they occupied central positions in the state, including the presidency, although with internal divisions between different groups of militaries with divergent interests regarding the future of the country and the state-building process of the republic. Nevertheless of that, over time, military groups started to elicit a narrative in which the Brazilian republic was born because of military action, creating a way of legitimizing a role of centrality in state matters and of validating each measure took by state authorities, when these are militaries (Castro 1995; 1999).

Carvalho (2019) underscores the importance of the professionalization of the Army for them to organize themselves and to seek to participate in political discussions and issues. Events such as a mission of Brazil militaries sent to Germany and the French Military Mission in Brazil shaped the organization of the forces, as well as their thoughts and aspirations. According to Carvalho (2019), during the First Republic Period (1889-1930), there were 19 military interventions and upheavals from the Army and the Navy, which leads the author to call military forces a destabilizing power. Different groups of militaries had intervention aspirations, with the understanding that they should preserve order in society and decide on the paths the country should take. In this context, arose the idea that military forces, as a national institution, should be a moderating power among political and social actors, something that would still be defended until nowadays (Carvalho, 2019; Freitas; Meyer, 2024).

As analyzed in the ethnography of Castro (2021), militaries in Brazil built, since their period of studies and initial socialization, what the author calls a “spirit”. That is, an idea of



singularity that differentiates members of the armed forces from other groups of society because of their shared ethos of discipline, hierarchy and a so-called collective spirit. Hence, in their vision, the militaries' specific context and their own culture are elements that make them a group united by those characters and different from other groups. This also has repercussions on how they conduct their activities and on the creation of exceptions and special legal regimes, which is directly connected to the discussion on transparency this research is conducting and with general clauses that guide public administration. Moreover, this idea is connected to the perceived need for military interventions and tutelage of state and society in the name of progress and of alignment of the guidance of public affairs to military preferences.

It is also worth noting that different social groups interact with militaries and, in certain cases, associate themselves with military groups' intervention aspirations. In the 1930-1964 period, political parties such as the Nation Democratic Union often sought to destabilize or oust established governments, sometimes with anticommunist rectory. In 1955, however, there was an intervention to guarantee that the elected president, Juscelino Kubitschek, led by a general who aimed to assure the democratic process would be followed. Because the president did not reach 50% of the votes, some political groups argued he should not take office, although there was no rule on the need to reach 50% in order to be sworn in as president if one had the largest amount of votes among the candidates. This shows not only the participation of militaries in decisive political moments, but differences on how distinct military groups see this process (Fausto, 2024; Carvalho, 2019; Rouquié, 1992).

In 1964, there was a military coup d'état in Brazil, in which different civil and military groups supported the ousting of João Goulart, again under an anticommunist rhetoric and supported by the United States. What started as an intervention to "correct the course" turned out to be a 21 years dictatorship with five different military presidents, ending in 1985 with the election of a civilian president. The power dynamics during the dictatorship also showed differences between a hard-line group and another one that was less extremist regarding the imposition of their views to society and on the conduction of the state and, more broadly, of the future of the country (Napolitano, 2014).

One important aspect regarding the dictatorship and the processes that led to the coup is the National Security Doctrine. It was formulated by militaries influenced by the United States in the National War School, which was also influenced by the North American conception of national defense. The Doctrine had a goal of eliminating internal enemies, so as to combat people and groups perceived as communists and guarantee national



development, and added to the historical trend of interventionism and military aspirations of participating in state affairs. This ideal guided the policy of the dictatorship period with reformulations afterwards (Lentz, 2019), with widespread violations to human rights recognized decades later, which is also related to transparency and to opening public records.

During the dictatorship, beyond interventions, repression, persecution and normative changes to legitimize the regime, there was a securitization process of several elements perceived by militaries as relevant to national security and defense, in which those issues are captured by the military sector (Napolitano, 2014). Indigenous peoples, for example, faced violations to their territories and were treated as civilly incapable, stimulating that they abandoned their identity (Comissão Nacional da Verdade, 2014). Even nowadays, militaries oppose the recognition of indigenous rights, seeing their as threats to national security and even created by foreign agents to hinder national progress (Carvalho, 2008; Alvim, 2023). Moreover, issues like the Amazon and communications were also captured as national security priorities, with actions such as occupying the Amazonian regional and creating a state-owned telecommunication company.

As militaries occupied the government for more than 20 years, they concealed documents and information regarding their actions, especially those that violated even the then-existent legal order. In 1979, a diplomat was going to whistleblow corruption practices in the construction of a hydropower plant, for example, showing the interconnection between the repression and the closing of the regime (Ministério dos Direitos Humanos, 2018). The militaries in power were guided by a logic in which everything was justified, as they understood their action was needed for the country to thrive and to face the so-called internal enemies. Reminiscences of this authoritarian thought are still present and are a key element of militarism in Brazil.

After the dictatorship, society increased pressure to hold militaries accountable for violations during the period, as well as to open documents regarding repression and persecution; the Commission for Deceased and Disappeared People and the National Commission for the Truth were created to deal with these demands. Nevertheless, militaries keep this interventionist impetus, with different manifestations regarding political issues in the last ten years (Carvalho, 2019). Although militaries are formally controlled by civilian structures, the armed forces still preserve a logic in which they are the guardians of the order, including institutions and democracy, which, in their view, legitimizes an almost limitless conduct, with broad exceptions to democratic obligations of state bodies.

The 1988 Constitution, in the article 142, establishes that the armed forces have the president as their supreme commander and are destined to the defense of the country, to guarantee constitutional powers and, under the initiative of any powers or branches of the state, to guarantee law and order. This article has opened the way to interpretations that reverberates the long-term idea that the militaries are the main guardians of the republic and the state and can intervene when they understand there is a risk. However, the Supreme Court has ruled in 2024 that an interpretation of the article that understands the armed forces as a moderating power is unconstitutional, in the Direct Unconstitutionality Action 6.457 (Brasil, 2024). The fact that, in 2024, this interpretation is still being discussed shows how militarism still maintains the impetus of intervening and the conception of moderating and legitimizing the republic.

In 1999, the Ministry of Defense was created, in an effort to guarantee civilian control of militaries, a fundamental aspect of a democratic regime (Mainwaring; Brinks; Pérez-Liñan, 2001). However, it was only in 2024 that a civilian defense career was created and the Ministry is dominated by militaries in active service, which impairs civilian control and keeps militarisms' problems in respect to democracy untouched. Reis & Santos (2025) also underline that the weak institutionalization of the Ministry opened the way to the rise of the number of militaries occupying its offices, especially in the two previous governments. Hence, although there is a new legal regime and accountability initiatives, there are persistent challenges on civilian control of militaries.

Transparency and publicity is a key element of a public administration based on rule of law, centered on the public interest. The next section will discuss the meanings of transparency and freedom of information in Brazil considering them as pillars of rule of law, so as to discuss the implications of the conduct of military institutions and the military ethos before a legal framework that imposes mutual controls on the branches of the state and publicity as a rule.

3. TRANSPARENCY AND FREEDOM OF INFORMATION AS PILLARS OF RULE OF LAW

This section aims to discuss the meanings of transparency and of the right to freedom of information in a rule of law-based and regime, as well as its implications to how public administration is conducted, including the armed forces. The methodology used to write the

section was literature review, as well as normative analysis, so as to gather the main elements involved in publicity and the state.

Publicity is a fundamental principle of public administration in Brazil, explicitly provisioned in the article 37 of the 1988 Constitution. Freedom of information, or access to information, is also present in the Constitution as a fundamental right, in the article 5, XXXIII, which guarantees the right to access information and documents on public records. Publicity can be related to the most elementary premises of the theory of the state: public agents are not the titulars of their power, as the social contract is formed upon the agreement and transfer of rights and liberty to a sovereign, per the classical theory of Thomas Hobbes (Teles, 2012; Mattos, 2020). Hence, as the citizens are the holders of power, which is also recognized in the Brazilian Constitution (only paragraph of the article 1), everything the state does must be justified and publicized to be legitimate, as well as subject to control (Cunha Filho, 2016; Ramos, 2025). Bobbio (2000) also recognizes the relation between democracy and transparency of the exercise of power.

As put by Rodrigues (2020) and Zuccolotto & Teixeira (2019), transparency has different levels and implications. It can be full, nominal, conditioned and the one related to the imposition of secrecy (Rodrigues, 2020). Transparency has been subject to different interpretations throughout the time. In the 19th century, authors such as Jeremy Bentham wrote that the publicity of acts should be a means of creating costs to those in governmental offices so as to deter them from abusing power. Bentham believed ideas would flow freely on a national scale, something later questioned, as not every social group has the same capacity of understanding and accessing information, which leads to informational asymmetry. That is, differences and inequalities on the level of access to information of society, the state and other stakeholders.

Transparency, then, is an instrument to stimulate the engagement of society on state affairs, which part of literature understands leads to more efficiency, in a sense of open governance and decision-making processes (Bairral; Coutinho; Alves, 2015). Nevertheless of that, some authors point out that more transparency does not always means more democracy, underscoring the need for social participation and mobilization (Pozen; Xavier; Braga, 2022), and that the overture of some information may harm relevant interests, such as national defense, international relations and financial affairs (Pozen, 2014). This is the basis of exceptions to transparency, mobilized by actors such as the armed forces in Brazil so as to defend the risk of publicizing information is more relevant than the need for transparency, as it will be discussed further.



To Michener & Bersch (2013), transparency encompasses elements such as visibility of information, completeness and findability, so as to guarantee people can effectively access public interest data, as well as that this information expresses what it aims to regarding policies and public initiatives. People should also be able to infer conclusions from information, including the possibility of disaggregating data, verifying their integrity and accessing simple ways of visualizing and understanding them. The quality of data is also related to those dimensions, as it is related to how it is produced and to which extent it enables society to understand the conduction of the state (Barros; Rodrigues, 2017). Transparency also has implications regarding directions and central actors, time and level of commitment of institutions and agents to opening their practices and processes to society (Rodrigues, 2020).

A fundamental transparency instrument is the right to freedom of information and laws that enshrine it. As put by Michener, Niskier & Contreras (2018), those laws especially address information asymmetry as it enables all citizens to explore and request nearly all records possessed by the state, considered to belong to the public interest. Freedom of information laws have started to be enacted in Sweden and in other countries in Europe. In Latin America, with a historical context of military and authoritarian regimes, Rodrigues (2013) describes three phases of development of freedom of information laws, representing a process of opening from the secrecy culture of the dictatorships in the region.

The first phase was driven by the 1992 United Nations Conference on Environment and Development; at this time, countries such as Mexico, Panama and Peru enacted their freedom of information laws. The second phase was between 1995 and 2006, motivated by pressure from financial institutions to obtain information on projects and involve citizens in those dynamics of obtaining data and demanding the state. Finally, the third phase was based on a logic of ensuring rights to citizens, marked by the *Claude Reyes vs. Chile* case, judged by the Inter-American Human Rights Court in 2006. The Court recognized the country violated the right of a citizen to access information on a project regarding its environmental impact, strengthening the recognition of the right to freedom of information (Rodrigues, 2013; Rech, 2023).

With the exception of Colombia, all countries in Latin America approved their freedom of information laws from 2002 on. Brazil's turn was in 2011, when its law was approved by the Congress. This process was a product of social participation and pressure, especially from actors such as the Forum for the Right to Access Public Information and the Brazilian Association of Investigative Journalism (Campos; Rodrigues, 2020). As described by



Gonçalves (2025), there was also a debate within the government regarding the institutional design of the law, which also happened in the Congress, with different stances on levels of secrecy and publicity.

The Brazilian Freedom of Information Law (LAI) is characterized by its institutional design centered on the promotion of the right to freedom of information and on its effectiveness. It has a broad incidence, encompassing every public record archived or produced by public bodies and entities, including state-owned companies and private actors that receive public funds, to the extent of activities and documents related to the funds. It also includes information on public bodies and its activities and internal processes. This creates an instrument that puts citizens in the center, allowing them to explore what is archived and how the state does it, as well as its reflections regarding the development of public policies and the steps the state takes until a decision is made. This process diminishes the information asymmetry between state and society, as people can request nearly every record in the state's archives, and not only what public agents underscore (Michener; Niskier; Contreras, 2018).

One fundamental aspect of LAI's institutional design is the establishment of a time limit for public bodies to answer requests: 20 business days, with the possibility of postponing for 10 more. In a country where the state is very often cumbersome, this term is reasonable for citizens not to disengage from the process and obtain responses timely. Moreover, it is possible to appeal from responses from public bodies; at the federal level, there are four appeal instances, allowing people to question laconic decisions, also with short terms for the state to answer (5 days in the two first appeals). Every public body must maintain a dedicated system to receive requests, as well as make available online, without requests, basic information on public entities' structures, authorities, contracts and programs (Sarlet; Molinaro, 2014; Rech, 2023).

There are, however, exceptions to the fulfillment of access to information requests. Generic and so-called disproportionate demands, especially those on information which are not consolidated and would need additional work to be gathered, are not granted. In practice, many denials of access are motivated by problems in how bodies deal with their documental store, often built in a way that creates costs to systematize information so as to guarantee that people can access it completely (Sarlet; Molinaro, 2024; Possamai; Souza, 2020). Secrecy hypotheses based on commercial, business and scientific grounds are also harmonized with the law, nevertheless of publicity being the general clause, meaning citizens cannot access certain information that contains data protected by these kinds of

information, although they can access the parts of documents that do not contain these data and negatives to requests should be motivated. There is also a protection of personal information, which has exceptions in cases of public interest. Information needed for the fulfillment of human rights cannot be denied, as explicitly established by the law in its article 21, which is especially influenced by the historical context of the dictatorship and closing (Cunha Filho, 2016).

LAI also creates specific rules for the classification of public documents, which should be temporary, necessary and based on specific conditions and reasons established by the law, and only when it is indispensable for the security of society and the state. The possible grounds to classify documents are also general clauses, such as risks to national security and defense, life and safety of the population, financial stability, harms to strategic plans of the armed forces, research projects, safety of authorities and intelligence and investigation activities. Although these hypotheses are related to critical activities, they are wide enough to encompass different documents and information that public agents may want to classify. Anyhow, it is necessary to frame the classification in one of the bases established by the law.

In this classification process, there are some key elements that limit secrecy. There are three levels, with a maximum term of 25 years for ultra-secret information and a guideline to classify with the least restrictive criteria possible, considering the gravity of the risk from the publicity of the information. Contemporaneity is, thus, a key element to take into account in the evaluation of the need to classify documents. There are also rules on which agents can impose secrecy, as well as the obligation to publish the identifiers for all classified documents of all bodies, which allows society to know the extent of the usage of this instrument and to request that information when it is declassified. LAI also establishes that all classified information becomes automatically public at the end of the term of the classification, strengthening the right to access this information. It is also possible to present a declassification request and LAI created a Joint Commission on the Reevaluation of Information, responsible for the last instance of appeals of freedom of information and declassification requests.

LAI was a really important step to strengthen the right to freedom of information, as it created an institutional arrangement of clear obligations to the state in which citizens can interact with public bodies and unearth their internal practices and absences. 14 years after its enactment, however, there are still challenges to its effectiveness in some sensitive cases, especially the armed forces, which are the crossroads between their crystallized

practices and duties of transparency that stem from the rule of law and legislation such as LAI. The next section of this paper will explore case studies that show the interfaces of this relation and persistent hindrances to transparency.

4. THE CLASH BETWEEN MILITARISM AND TRANSPARENCY

This section aims to present empirical data that show the conflicting relation between militarism and public transparency in Brazil. Public quantitative data was used to understand the general scenario, as well as case studies of documents and freedom of information requests directed to the Ministry of Defense and the armed forces in Brazil, underscoring elements of militarism and challenges to transparency considering its legitimizing character in a rule of law-based regime. The section is organized in three parts: the first one presents quantitative data on requests; the second one explores qualitative elements from the paradigm requests; the third one presents an institutional interpretation of the analyzed data.

4.1 14 years of requests

According to the General Comptroller of the Union (2025) database of freedom of information requests to bodies of the federal administration, since 2012, 1.43 million requests have been filed. In 70.17% of them the access was granted, whereas 7.99% had it denied. 8.1% (more than 126,000) of the requests had their initial responses appealed, mostly (about 123,000) only to the first instance. Only 5,000 appeals reached the last instance, which is the Joint Committee for the Reevaluation of Information, composed by representatives of some Ministries, such as the ones of Justice, Foreign Affairs, Defense, Finance, Human Rights, the Solicitor-General and the Chief of Staff of the Presidency.

The Ministry of Defense, which oversees armed forces, has received 6,305 requests since 2012 and 9,55% of them led to appeals, higher than the average number of the federal government. In the forces, the proportion of appeals is even higher: the Command of the Army has received about 17,000 requests, with 17,89% leading to appeals; the Air Force, 8,200 and 17,21%; the Navy, 6,476 and 16,01%. That is, requests to the armed forces are twice as object of appeals than the average of the federal administrations. As a means of comparison, the Ministry of Finance, which has received more than 116,000 requests since

2012, had appeals on 7,01% of them, whereas the Ministry of Health, 55,000 and 11,02% of appeals.

The higher proportion of appeals show how initial responses are incomplete or denials, possibly using the restrictions LAI still allows, especially the ones related to security and to national defense. One should underscore, in this interim, that the discussed elements of militarism — including an idea of singularity and the view that they legitimize democracy, and not the opposite — are older than the current legal order of democracy and rule of law, in which public administration is centered on the public interest and that explicitly subordinates the armed forces to duties of all the public administration. Since the Constitutional Amendment 18, from 1998, a distinction between militaries and public servants was consolidated, which opened the way to legal exceptions and different rules regarding salaries and pension law. As put by Martins Filho (2000), the Amendment meant to establish that the armed forces members serve the state, without the attributions of deciding on authority and state power, even though it opened avenues for the forces to advance militarism's singularity ideas (Freitas; Meyer, 2024).

Although there are specific rules for militaries considering its activities, actual sensibilities and need for different regimes, the forces are public entities subject to control as any other ones, and the general rule of publicity should be followed, applying restrictions and secrecy only when there are grounds and actual need for it (Cunha Filho, 2016). Risks only justify restrictions when publicity may generate harm to the public interest, considered as society's best interest, such as projects that are being developed and emergencies (Mello, 2021). Hence, the contemporariness of the risk is important to determine if restrictions should be maintained, which is the basis of the classification process. When a risk is generically used to restrict access to information indefinitely, there is a violation to the principle of publicity, as there is no concrete harm to state or defense policy (Sarlet; Molinaro, 2014).

4.2 Paradigm requests

A matter in which restrictions are frequent, without any concrete risks to national defense or to operations, is information on military sanctions, functions and responsibilities. Transparency on financial benefits and disciplinary procedures are a rule for public administration, as information on public agents related to their public offices should be accessible to all. Publicity has, hence, a legitimizing aspect regarding the action of the state,



as it allows the collectivity that holds the power exerted by the state to know about its actions (Mello, 2021). As discussed in the second section, militaries in Brazil have, for more than a century, had the notion that *they* give the republic legitimacy, so, when they are confronted with a legal order in which they are part of a public entity that has the same general obligations of all others, there are conflicts and a process of reviewing and changing practices (Carvalho, 2019).

This is very clear in requests involving sanctions and declassified documents, such as the ones with protocol numbers 60000.002798/2025-12² and 60000.001211/2025-58³. In those access to informational requests, the Brazilian Navy sent declassified documents about sanctions to militaries, but with the names of agents redacted. The body justified the redaction on grounds of protection to private information, although sanctions to any public agent are a public and open information, considering society must be able to know which agents are punished and why, as these people are the ones who conduct state activities. Even with appeals, the Navy did not disclose the names of the sanctioned militaries. In one of the documents, a military was promoted even though he committed a crime, making the promotion a wrongful act and reinforcing the need for publicity and accountability.

This restriction to names of sanctioned militaries stems from the historical thinking of armed forces that they should not be subject to the same controls as other bodies, as they understand their legitimacy is self-sustained. The Navy uses a legal exception to transparency and creates an interpretation in which the informal but crystallized practices of militarism are “fit” in a rule of law-based order. Using Helmke & Levitsky’s (2004) typology of institutional arrangements, it is a divergent interaction between formal institutions of transparency and freedom of information and the informal practices of unjustified restrictions to public interest information and data. That is, the armed forces’ historical closing and its persistence goes in the opposite direction of the transparency needed in a democratic regime.

This clash between the military ethos, their vision of themselves before other public bodies and transparency is even clearer in the requests 60000.001440/2025-72⁴ and 60000.002797/2025-78⁵. To justify the restriction of names of militaries in declassified disciplinary procedures, the Navy mentioned different legal provisions, as well as the

² Available at: <https://buscalai.cgu.gov.br/PedidosLai/DetailhePedido?id=9451391>.

³ Available at: <https://buscalai.cgu.gov.br/PedidosLai/DetailhePedido?id=8626809>.

⁴ Available at: <https://buscalai.cgu.gov.br/PedidosLai/DetailhePedido?id=8707929>.

⁵ Available at: <https://buscalai.cgu.gov.br/PedidosLai/DetailhePedido?id=9451364>.

principles of hierarchy and discipline, that guide the structure of the armed forces, but which are not legal restrictions to access information. The use of elements from what Castro (2021) calls the military spirit as bases to restrict the publicity of names of militaries who were subjects of disciplinary procedures conveys a clear message, in the sense that armed forces are different from the rest of the state. Because of their condition of militaries, they understand that their disciplinary deviations are not public interest information.

In a context in which the need for accountability is increasingly traduced in institutions and mechanisms, such as integrity programs, indicators, targets and goals for public policies, the armed forces adopt a stance of treating functional information as internal matters. Decades after they were taught in military academies that militaries have singular cultural and functional elements that make them different from other public office holders (Castro, 2021), high-level military authorities keep feeding this vision, which leads to limits to the extent of publicity and, more broadly, to the realization of normative expectations of laws such as LAI. Accountability is a duty of every public officer, but militaries often see themselves as outside of this responsibility, as these requests show.

In the request number 60110.003939/2025-77⁶, presented to the Ministry of Defense, the body denied access to a declassified document regarding the evaluation of the performance of a military by a foreign military. The Ministry judged the request as unreasonable, as if it would expose sensitive information. The Federal Supreme Court of Brazil has already decided that information related to public agents exercising their functions cannot be restricted and have no incidence of privacy (Supremo Tribunal Federal, 2011). Nevertheless, the Ministry uses a legal exception so as to create an interpretation in which any information about militaries has national security implications. It is a way of making decades-old militarism a set of ideologies on their role in society and the state. The responses show how the armed forces seek different legal provisions and instrumentalize them to informal practices that are still present in their internal culture, getting away from the accountability obligations that bind all the public administration.

Also in this context of functional information are the functional records of militaries. All three forces only provide an extract of the records, although there are no hinders to scan and publicize the primary documents. The forces choose to produce another document with extracted information from militaries' histories, without transparency on what is left off from the extracts and again with an opportunistic usage of personal data protection legislation.

⁶ Available at: <https://buscalai.cgu.gov.br/PedidosLai/DetalhePedido?id=9562317>.

There were breakthroughs only in requests made in 2025 about militaries involved in the assassination of a former representative during the dictatorship⁷. In these cases, the General Comptroller of the Union, which decides third-instance appeals, understood the primary documents should be provided, as information needed and related to the enjoyment of human rights cannot be denied. Still, the Army questioned the decision and, as of October 2025, the records have not been publicized yet.

Another case that shows the interaction of those information practices of militarism with formal transparency institutions are requests of declassified documents, such as the ones with numbers 60143.003347/2025-78⁸ and 60143.002412/2025-48⁹, to the Command of the Brazilian Army. The request was made based on the list public bodies must publish with identifying codes of declassified documents, and the Army sent the documents that corresponded to the codes. However, the body redacted so much information from the documents — intelligence reports — that it is impossible to understand even the core theme addressed by the reports, as shown in Figure 1.

⁷ Available at: <https://buscalai.cgu.gov.br/PedidosLai/DetalhePedido?id=9130951>.

⁸ Available at: <https://buscalai.cgu.gov.br/PedidosLai/DetalhePedido?id=9400857>.

⁹ Available at: <https://buscalai.cgu.gov.br/PedidosLai/DetalhePedido?id=9013005>.



Figure 1: Page of the document number 64211.990136/2018-42, declassified, but

~~RESERVADO~~ - DESCLASSIFICADO

Fl nº 1/8
BRASÍLIA, 7 de agosto de 2018

MINISTÉRIO DA DEFESA
EXÉRCITO BRASILEIRO
GABINETE DO COMANDANTE
CENTRO DE INTELIGÊNCIA DO EXÉRCITO

[REDACTED]

1. DATA : 06 AGO 18
2. ASSUNTO : [REDACTED]
3. ORIGEM : CIE
4. DIFUSÃO : [REDACTED]
5. DIFUSÃO ANT : [REDACTED]
6. REFERÊNCIA : 01 (UM) MANIFESTO DO [REDACTED] - 01 (UMA)
7. ANEXO(S) : MATRIZ [REDACTED] - 01 (UM) TERMO DE CLASSIFICAÇÃO DE INFORMAÇÃO

1. INTRODUÇÃO

[REDACTED] durante a [REDACTED] de criação [REDACTED] na [REDACTED] o [REDACTED] foi interrompido pela suposta explosão de um [REDACTED] que teria sido [REDACTED] antes de chegar [REDACTED]. Segundo informações [REDACTED] foram usados para detonar explosivos em um ataque [REDACTED].

2. DESENVOLVIMENTO

a. [REDACTED]

No vídeo da transmissão [REDACTED] observa-se [REDACTED] logo após, ao que parece, [REDACTED] e as [REDACTED] olharam para cima assustados e a [REDACTED]. Em seguida, [REDACTED] que estavam em [REDACTED] começam a correr em diversas direções, provocando, inclusive, a [REDACTED]. Logo após, a transmissão do evento foi bruscamente interrompida.

excessively redacted.

Source: Brazilian Army, sent in the freedom of information request number 60143.003347/2025-78.

Although intelligence reports may contain sensitive information, a fundamental aspect to consider when one restricts access is the contemporariness of the risk stemming from publicity. However, the Army and the other forces apply a comprehensive interpretation that everything they produce is necessarily sensitive and cannot be published, again ignoring the need for accountability. If publicity legitimizes actions of the state (Mello, 2021), the armed forces seem to think they legitimize their own actions, using legal restrictions in a way that circumvents LAI's limits to secrecy. Another case that shows this arrangement is in the request number 60110.003939/2025-77¹⁰, explored before and presented to the Ministry of Defense. The body denied access to declassified documents related to an already finished and published defense cooperation agreement, with a generic justification that the document was produced before the publication of the agreement. That is, the Ministry actively seeks reasons to maintain documents under secrecy, even when there is no legal reason to do that.

¹⁰ Available at: <https://buscalai.cgu.gov.br/PedidosLai/DetallePedido?id=9562317>.

The Ministry also created, in 2018, a Commission for the Evaluation of Secret Documents¹¹, which tries to give some legitimacy to the practice of maintaining restrictions on declassified documents, as the body cites decisions from this Commission when it denies access to declassified documents, which was done in the case of the agreement. If authors such as Cunha Filho & Antunes (2021) understand the classification process is, as a whole, incompatible with democracy, when one circumvents the existing controls, there is an even deeper problem, as even the legal regime is weakened.

4.3 Institutional interpretations of the case studies

To “grant” access to declassified documents redacting almost every word of it is precisely what Holmes (2003) calls rule by law. That is, to go against institutions but with the appearance of compliance, considering the established obligations of transparency and accountability. By doing that, the forces do not violate the law directly, but do not comply with it substantially either. Further, it is worth noting that the forces are also trying to erode those duties: the Command of the Air Force, for example, is seeking to modify a decision from the General Comptroller of the Union that recognizes the publicity of sanctions and disciplinary procedures involving militaries¹². It is, thus, a conflicting relation with transparency, in which practices of militarism are confronted with a state that do not tolerate them anymore.

Finally, one element that perhaps hinders more progress on the conduct of armed forces and of the Ministry of Defense is the General Comptroller of the Union (CGU). CGU is the internal control body of the federal administration, responsible for auditing the government, guaranteeing the adoption of integrity best practices and also for judging third-instance appeals of freedom of information requests, as discussed. Cunha Filho (2016), almost ten years ago, already pointed out CGU’s deference to declarations of non-existence of information regarding the dictatorship without transparency about how the information was sought in public records.

In almost all studied cases of requests, the petitioner appealed to CGU, which maintained the decisions from the armed forces and the Ministry of Defense, often accepting

¹¹ Available at: https://mdlegis.defesa.gov.br/norma_resumo/?NUM=3&ANO=2018&SER=A.

¹² Process number 00688.001936/2024-51 at the Chamber for Mediation and Conciliation of the Federal Public Administration.

the usage of legal restrictions based on national security and defense and, even worse, on personal information applied to sanctions and disciplinary procedures. Even though the Comptroller has an Enunciation that recognizes the publicity of those information, its decisions are not consistent, corroborating irregular denials from the forces. CGU also has an understanding that the extract of functional records is enough to provide information on military agents, allowing forces not to provide the original and primary document. Even on the decision regarding the records of militaries involved in assassinations during the dictatorship, it reinforced its general orientation. This legitimizes the non-transparent practices of militaries, going against the purpose of LAI and the general rule of publicity and of secrecy as an exception, crucial in a rule of law.

Henceforth, not only the armed forces keep their decades-long culture of closing and self-legitimization, but also there are absences from control bodies that should be acting to disincentivize these practices. The idea that a sanction received by a military is a private information or that its publicity risks national security is based on an interpretation that militaries are different from other public agents and less subject to accountability and control from public bodies and society. Moreover, the persistent stance of remaining close to social participation builds on the idea that no other actor has anything to do, to contribute or should not know how the forces conduct their activities, going against the publicity general clause of a rule of law-based regime.

After the military dictatorship, one of the main issues was promoting responsibility for the violations practiced, as well as retrieving records that documented violations. When the forces redact the name of militaries that committed illicit actions, they perpetuate a set of conducts incompatible with the standard of a public agent that a democracy demands, with weak civilian control and opportunistic usage of legal instruments to conflict with transparency (Mainwaring; Brinks; Pérez-Liñan, 2001; Oliveira, 2010). The forces act as if society did not have a stake in their activity, resembling their historic stances and hindering the consolidation of Brazil (Carvalho, 2019).

5. FINAL REMARKS

6.

The research showed how the historical elements of militarism are confronted with transparency and democracy, as well as the conflicting, divergent relations between militarism and transparency. Publicity is a main principle of public administration in Brazil,



but, regardless of that, the armed forces and the Ministry of Defense — created to strengthen civilian control of militaries — insist on maintaining decades-long practices and keep falling short of substantially complying with LAI and transparency duties. The case studies of freedom of information requests and declassification of documents allow one to see the persistence, among the forces, of the idea that militaries are the guardians of the republic and the order, which would allow them to conduct their activities as they want, apart from rule of law. It was also possible to see in practice the challenges of civilian control pointed out by literature, as the Ministry of Defense adopts the same practices of militarism.

The usage of legal provisions that protect private information and nation security to redact the names of militaries from documents about sanctions that they received show how the armed forces seek any way to keep its closing posture, even when it is substantially incompatible with a legal order based on publicity. Besides limiting the right to freedom of information, these dynamics mean militaries are not subject to same level of accountability of other public agents. The laconic action of control bodies to limit this usage only stimulates it more, with the continuation of practices that go against democracy and the necessity of accountability and trust-building between state and society. Thus, the research points out the need for bodies such as CGU not to accept the misuse of legal exceptions to deny access to documents that do not pose any contemporary risk.

Henceforth, one cannot keep tolerating this conflicting relation between militarism and transparency. Information that is directly related to sensitive plans or that do not pose contemporary risk should not stay in secrecy, as established by the law. Moreover, information on the exercise of public offices, including military ones, is public, and does not relate with one's privacy. In a wider perspective, for transparency and the rule of law to be strengthened in Brazil, militaries must be, in practice, treated as any other public agent, with the same level of accountability and publicity of non-sensitive information, which implies overcoming a very rooted set of practices, ideologies and elements that make a culture of secrecy persist in the armed forces. It is a long-term challenge, but one that the full realization of democracy in Brazil depends on.

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