

Amnesty International  
Report on  
Human Rights  
Violations  
in  
Uruguay

*(including a memorandum sent to the government  
on 26 July 1983)*



an amnesty international publication

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## PREFACE

### The Amnesty International Mission

Since the coup d'état which brought to power the present civil-military government in June 1973, Amnesty International's worldwide membership has campaigned continuously for improvements in the respect for human rights in Uruguay. During this period, the organization has sought the release of over 575 individual prisoners of conscience and has brought attention to the problem of torture in Uruguay. Amnesty International has also repeatedly urged the Uruguayan authorities to provide information about persons reported to have "disappeared" following their arrest, and to reform the system of justice under which political prisoners were tried and convicted so that it conforms to internationally recognized standards.

During the first two weeks of April 1983, an Amnesty International delegation visited Montevideo, the Uruguayan capital, to gather additional information regarding these concerns and to discuss these directly with governmental authorities. This was the first Amnesty International mission to have visited Uruguay since April 1974.

One of the Amnesty International delegates held a meeting with the Foreign Minister, Dr. Carlos Maeso. A discussion took place which focused on the organization's concerns with regard to prisoners of conscience, detention procedures and legal guarantees, "disappearances" and conditions in military prisons.

The Minister did not have the information at his disposal to comment on the cases of three persons, Omar Antonio Paita Cardozo, Miguel Angel Mato Fagiani and Félix Ortiz Piazzoli, who, according to Amnesty International's information, had "disappeared" following their presumed arrest by the security forces in September 1981 and January 1982. He promised however to seek to obtain information on these cases. They were presented to the Minister in a dossier which included appeals for the early release of seven seriously ill prisoners of conscience adopted by the organization, and of five other prisoners of conscience for whose release the organization has repeatedly intervened, Alberto Altesor González, Lilián Celiberti de Casariego, Dr. José Luis Massera Lerena, Rosario Pietrarroia Zapala and Luis Alberto Tourón Landaburu. In all five cases, the Human Rights Committee established under the International Covenant on Civil and Political Rights had found that serious violations of human rights protected by the Covenant had taken place, and in the cases of Lilián Celiberti and Rosario Pietrarroia, had urged their immediate release. The dossier also included an appeal that the Uruguayan authorities free without further delay two prisoners, Jorge Selves Lawlor and Washington Guinovart Tonelli, who had been kept in continued detention in a military barracks, although their prison sentence had been served in full, and there were no outstanding legal proceedings against them.

No response was subsequently received by Amnesty International to these appeals and questions submitted to the Minister. However, Amnesty International learned subsequently of the release on 15 July of one of the five prisoners of conscience, Alberto Altesor González, a 69-year-old trade unionist and ex-Member of Parliament, who has a serious heart condition. He was released three months before the end of his eight-year prison sentence. During the first week of September 1983, Jorge Selves Lawlor was released from prison and left the country. According to Amnesty International's information, he had been held in administrative detention without charge or trial for two years and six months following the completion of his prison sentence in February 1981. Washington Guinovart Tonelli is believed to be still in detention, although he has been held in custody for more than a year since his prison sentence expired in June 1982. Amnesty International has received no further information on the whereabouts or fate of the three persons who "disappeared" in Montevideo in 1981 and 1982.

On 26 July 1983 Amnesty International sent the Memorandum included in this report to the Uruguayan President, retired general Gregorio Alvarez. In a covering letter, Amnesty International offered the Uruguayan authorities an opportunity to reply, stating that it could publish a reply together with the Amnesty International Memorandum if the reply were received by 9 September. By that date, no response had been received to the Memorandum.

On 23 August, subsequent to the presentation to the Uruguayan authorities of the Memorandum containing the findings of the Amnesty International mission, the Minister of the Interior, General Hugo Linares Brum, publicly attacked Amnesty International in a television broadcast which was widely publicised in the press the following day. He accused the organization of "being infiltrated by Marxist-Leninists" and alleged that it was financially supporting a Uruguayan human rights organization, the Servicio de Paz y Justicia, Peace and Justice Service, which is the Uruguayan branch of the Servicio de Paz y Justicia founded in Argentina by the Nobel Peace Prize Winner, Adolfo Pérez Esquivel. Three members of this organization were at that time holding a fast on the Servicio's premises in Montevideo in protest against what they considered to be the continuing violations of human rights in Uruguay, and in support of a "Day of National Reflection" to be held on 25 August.

The week after the Minister's attack, in an official decree issued on 31 August 1983, the Servicio de Paz y Justicia, which is the only independent human rights organization in Uruguay and which is entirely independent of Amnesty International, was declared an illegal organization. The government statement accused the organization of engaging in "typically political activities" and stated that the ban had been imposed under the medidas prontas de seguridad, emergency security measures regime.

Amnesty International was concerned that the enforcement of this measure might place peaceful advocates of human rights standards in Uruguay in danger of imprisonment and possible physical ill-treatment.

#### Human Rights Abuses since the Amnesty International Mission

Human rights abuses have continued to occur in Uruguay since the drafting of the Amnesty International Memorandum.

At least 50 university students and young people are believed to have been arrested during the month of June 1983, 25 of whom were subsequently arraigned on charges of "subversive association" or "assistance to subversive association" under article 60 of the Military Penal Code, offences which carry penalties of three to 18 years and two to eight years' imprisonment. The students were accused of illegally distributing leaflets and of organizing meetings and demonstrations as clandestine members of the banned Unión de Juventudes Comunistas, Union of Communist Youth. Later official press statements showed that the students had, in fact, been held responsible for the planning of a peaceful anti-government demonstration in the centre of Montevideo on the tenth anniversary of the dissolution of Parliament by the armed forces on 27 June 1973. No suggestion was made that any of those arrested had used or advocated violence in any form. All were subsequently adopted by Amnesty International as prisoners of conscience. Both the major authorized political parties, the Colorado and the Blanco, National, parties, made public statements of concern at these arrests, which took place shortly after the initiation of discussions between the parties and the armed forces over the terms of a new constitution which the armed forces announced would form the basis for a return to an elected government in March 1985. A commission of the Colorado Party made an unsuccessful request for permission to visit the detainees.

Amnesty International sent urgent appeals to the Uruguayan authorities asking for guarantees for their physical integrity, prompted by fears that they might be tortured or otherwise ill-treated while in incomunicado detention. Subsequently, a public statement issued by the Servicio de Paz y Justicia alleged that some of the prisoners had been tortured with electricity, beatings, and semi-asphyxiation by immersion in water, while they were being held incomunicado for a period of 15 days in police stations in the capital. At least one woman was alleged to have been raped while in custody. According to information obtained independently by Amnesty International, another of the women prisoners, a medical student, was arrested without a warrant and held for two weeks incomunicado without access to her family, who were unable to gain confirmation of her arrest or place of detention. It was reported that during this period she was tortured repeatedly while under interrogation. Another of the detainees, a student of agronomy, was said to have been transferred to the main military hospital in Montevideo, apparently as a result of serious injuries caused by the treatment he had received. He was alleged to have been tortured by the application of electric shocks to sensitive parts of his body, including his genitals.

Two Catholic priests, both members of the Servicio de Paz y Justicia, were subsequently questioned at length by the police in connection with the public statement. Amnesty International is not aware, however, of any public investigation into these allegations having been carried out by the authorities or of penal action being taken against any persons found responsible.

Police repression has not been limited to suspected members of banned marxist or left-wing political parties and groups; members of legal parties or organizations were also at risk of summary arrest or interrogation where they were believed to be promoting anti-government ideas. On 20 July 1983, Professor Glenda Rondán de Romero, the political secretary to one of the Colorado leaders, Dr. Julio María Sanguinetti, was detained in the street, hooded and taken in a military vehicle to an unknown destination (later known to be a police station) where she was interrogated for fourteen hours and threatened before being released.

#### Political Background

Uruguay is one of the smallest countries in South America, with a population of about three million inhabitants who are predominantly of European descent. During the first half of the twentieth century, it enjoyed a stable democracy with regular elections, the peaceful transfer of power and respect for legality and civil rights. In 1903, the statesman Jorge Batlle y Ordóñez was elected President. He initiated an era of constitutional government and social and economic reforms which were continued by his successors. Control of major branches of the national economy was transferred to the state, and an advanced system of social welfare was introduced. From 1952 to 1967 a collegiate system of government based on the Swiss model was established. As a result of this, and of the country's reputation for internal peace and stability, Uruguay became known as the "Switzerland of Latin America".

During the 1950s, however, Uruguay began to experience serious economic difficulties. Uruguay's former prosperity, which had been based principally on the sale of its primary products, meat and wool, on world markets, was eroded by falling prices, reduced demand, accompanied by spiralling inflation. The stagnation of the main productive sectors, which could no longer support the extensive welfare system, and the erosion of living standards, gave rise to widespread social discontent among a highly unionised labour force. Social tension and political disturbances led to a gradual erosion of the rule of law.

In the late 1960s the government of Jorge Pacheco Areco, faced by mounting political opposition, began to introduce far-reaching emergency legislation in order to curb the labour unrest, control the economy and combat the growing threat presented by an active marxist urban guerilla movement, known as the Movimiento de Liberación Nacional - Tupamaros, National Liberation Movement - Tupamaros.

In 1971 national elections were held in which, for the first time, Uruguay's traditional political parties, the Colorados and the Blancos, faced a coalition of left-of-centre parties, which included the Christian Democrat Party, the Communist and Socialist Parties, a number of smaller marxist groups, as well as dissident members from their own ranks. The coalition, known as the Frente Amplio, Broad Front, gained 18 per cent of the poll which resulted in the victory of the Colorado candidate, Juan María Bordaberry, by a narrow margin.

Following the elections, social unrest and the guerrilla actions of the Tupamaros intensified. In April 1972 the government of Juan Bordaberry introduced a State of Internal War with a 30-day suspension of all constitutional guarantees. This was extended in the following July and then superseded by the passage, by the elected General Assembly, of a

Law of State Security and Internal Order, which created a new category of offences of "subversion" and transferred jurisdiction over civilians charged with security offences from civil to military courts. A combined offensive by police and armed forces led to the arrest and interrogation of thousands of members and alleged sympathizers of the guerrillas. Reports referred to the increasingly routine use of torture by both police and army units while detainees were held incommunicado under emergency powers. By early 1973, these measures had led to the virtual destruction of the Tupamaro movement.

The deep divisions in Uruguayan political life continued, however. On 1 June 1973 President Bordaberry, with the support of the armed forces, but without parliamentary approval, decreed an indefinite suspension of certain constitutional rights under an extension of emergency security measures provided for in the Constitution. His Interior Minister, Colonel Nestor Bolentini, stated that under these measures, the authorities could hold persons in detention for up to ten days without bringing them to trial.

The deepening conflict between the executive and the National Assembly culminated on 27 July 1973 in a presidential decree dissolving the elected parliament and all locally elected legislative bodies, and transferring the powers of the elected legislature to a newly created body, the Consejo del Estado, Council of State, whose members were to be appointed directly by the Executive.

With the armed forces now firmly in control of government, political freedoms and civil liberties were further cut back. Following a general strike organized in protest against the closure of Parliament and urging prompt economic measures to protect salary levels, the Convención Nacional de Trabajadores, (CNT), National Workers' Convention, Uruguay's largest union grouping, was outlawed by government decree on 30 June 1973 and forced to become clandestine. The following November, the Uruguayan Communist Party and thirteen other left-of-centre parties and groups, including those which had participated in the Frente Amplio, were declared illegal. As a result of these measures and of the intensive intelligence work carried out by the police and all three branches of the armed forces, aided by the systematic use of torture to extract information and obtain confessions, thousands of suspected members or sympathizers of these organizations or suspected political opponents of the government were arrested and committed by military courts to long terms of imprisonment. In a number of cases the laws were interpreted retroactively by military judges, so that persons were convicted of "offences" which were perfectly legal at the time they were "committed", such as membership of a legally constituted trade union. According to official figures, the numbers convicted of offences under the Law of State Security and Internal Order in the period between 1972 and 1982 totalled nearly 5,000. Following successive break-outs by Tupamaro prisoners from civil prisons, two high security military prisons were established in 1972 and 1973 exclusively for the custody of political prisoners, the Penal de Libertad (for men) and the Penal de Punta de Rieles (for women).

### Constitutional Rights and Guarantees

The Uruguayan Constitution of 1967 contains 65 articles guaranteeing civil and political rights and individual guarantees, and provides for the full separation of the three branches of government, executive, legislature and judiciary. The 1967 Constitution remains formally in force, any amendments or alterations of the text requiring an absolute majority in a national plebiscite. However, in practice, successive executive interventions, decree laws and the promulgation of a series of Institutional Acts have progressively eroded constitutional guarantees and democratic safeguards against the arbitrary exercise of state power.

These included the indefinite suspension of presidential elections due to be held in November 1976 (Institutional Act No. 1 of June 1976); the abolition of the separation of the executive and the legislature, and the creation of a supreme organ of government, the Council of the Nation, empowered to designate the President, the members of the Council of State, and the Supreme Court of Justice (Institutional Act No. 2 of June 1976); provision for the tutelary powers of the armed forces in government through the Council for National Security (COSENA) (Institutional Act No. 3 of September 1976); the removal of basic political rights including the right to vote from candidates of the banned left-of-centre parties who stood for political office in the 1966 and 1971 elections and those who had been prosecuted for crimes of "subversion"; several other categories of citizens were banned from any political activity, excluding the vote (Institutional Act No. 4 of September 1976); intervention of the electoral court and appointment of its members by the government (Institutional Act No. 6 of January 1977); and the removal of the independence of the judiciary, which was brought under effective control of the executive (Institutional Act No. 8 of July 1977).

Although the 1967 Constitution entrusts the General Assembly with the power of controlling the executive, particularly with regard to the individual rights and guarantees of citizens, the Council of State, which replaced the elected legislature in June 1973, has failed to exercise this function. This failure became particularly evident with regard to the routine use made by the executive of emergency security measures to detain citizens without charges, although the Constitution states that such measures must be submitted within 24 hours to the legislature for approval.

In November 1981, the formal independence of the judiciary was partially restored by Institutional Act No. 12, which created a new body, the Consejo Superior de la Judicatura, which assumed some of the more important functions of the Supreme Court of Justice, including control over the appointment, promotion and dismissal of judges. However, jurisdiction over "military offences" designated as such by the Law of State Security and Internal Order, which remained in force, continued to be vested in military courts, in which civil judges had no powers of intervention.

In August 1977 the armed forces announced plans for a staged return to a civilian government beginning with a plebiscite in 1980 on a new constitution. On 15 May 1980 the Political Commission of the Armed Forces (COMASPO) submitted draft proposals for the new Constitution for

ratification to the Council of State, which in turn decided to submit them to a plebiscite. Amnesty International was concerned that the constitutional proposals would serve to legitimize practices introduced by the armed forces since 1973 which violate basic human rights under its mandate and the international human rights agreements to which Uruguay is bound. In particular, Amnesty International noted the wide powers given to the armed forces and the President of the Republic to suspend or restrict individual guarantees by introducing states of emergency, and the lack of corresponding safeguards against the use of these powers to arrest peaceful opponents of the government and to subject them to torture or other cruel, inhuman or degrading treatment or punishment; the use of military tribunals to try civilians and the lack of an independent judiciary able to guarantee a fair trial for all political prisoners; and the granting of constitutional force to laws, decrees and institutional acts introduced since 1973 which have resulted in the detention of large numbers of prisoners of conscience.

The resumption of political activity by the two traditional parties and the holding of elections to the legislature and presidency was made conditional on the approval of the constitutional text and of a joint agreement between the political parties and the armed forces on the selection of a single presidential candidate for elections to be held in November 1981.

In the national plebiscite which was held on 30 November 1980, 57 per cent of the electorate voted against the armed forces' constitutional proposals which required a simple majority to be carried.

On 1 September 1981 retired general Gregorio Alvarez was appointed president by the Council of the Nation, replacing Dr. Aparicio Méndez. The previous August the government had issued Institutional Act No. 11 which stated that the new government would be a "transitional" one with a limited term of three and a half years, to be succeeded in March 1985 by an elected government following the holding of national elections in November 1984. The new government reversed the timetable which had been proposed the previous year; it proposed, as an initial step, to issue a statute to regulate the activities of political parties. Those parties authorized under the new statute would carry out the formalities of legal registration, and proceed to the election of their ruling bodies. Negotiations would then proceed between representatives of the political parties and the armed forces in order to reach an agreement over a draft Constitution which, if approved in a national plebiscite, would replace the 1967 text and provide the basis for the transition to an elected government in 1985.

### Recent Political Developments

A statute governing the activities of political parties, known as the Ley Fundamental No. 2, was approved by the Council of State in June 1982. This formally ended the period of "recess" of the two major "traditional" parties, the Colorados and the Blancos, National party, and was accompanied by measures to lift the political restrictions on some, but not all, of their leaders. Articles 10 and 19 of the Law, however, renewed the ban on left-of-centre parties dating from the Decree of November 1973, and

declared all those whose political rights had been withdrawn or who had been members of illegal parties to be ineligible for membership of authorized parties.

On 28 November 1982 national polls were held to elect party congresses, consisting of some 500 members each, of the three political parties registered under the new legislation, the Colorados, the Blancos and the Unión Civica, Civic Union, a small Catholic party. All electors (not just members of the parties concerned) were eligible to vote for one of the lists of candidates standing for the party of their choice. During the election campaign, a group of 12 members of the Christian Democrat Party, which was not recognized as a legal party, were detained for a short period for their advocacy of a blank vote. Four Blanco candidates and one Colorado candidate were also arrested and charged by military courts for "disrespect for the constitutional institutions" under the Military Penal Code, as a result of speeches critical of the government. Although they were released, their indictment automatically invalidated their candidature in the election.

Following the election of their executive committees by the party congresses in March 1983, the Colorado, Blanco and Civic Union parties nominated their representatives to participate in talks with the armed forces over proposed changes to the 1967 Constitution. The position of the armed forces on the eve of these negotiations was published in May in a document entitled Hechos Acaecidos en la República que Justifican un Nuevo Texto Constitucional, Events in the Republic which Justify a new Constitutional Text. In resolutions passed at their party congresses in March, both the Colorado and Blanco parties had declared their adherence to the basic principles of the 1967 Constitution and called for the repeal of Institutional Acts and other governmental measures which conflicted with those principles or which infringed individual rights and guarantees protected by the Constitution.

Beginning on 13 May 1983, seven rounds of discussions were held between the Political Affairs Commission of the Armed Forces (COMASPO) and representatives of the political parties before the party representatives resolved by consensus on 5 July to break off the talks. No agreement could be reached concerning modifications proposed by the armed forces to articles of the 1967 Constitution which cover individual rights and guarantees and emergency powers.

A government statement issued on 2 August stated that the government remained committed to the timetable for the holding of elections in November 1984 and the approval of a Constitution in the course of 1983.

A government decree issued the same day declared an indefinite ban on all public activity by the political parties, and the prohibition of publication of any news or comment related to political activity other than that expressly authorized by the authorities.

## 1. INTRODUCTION

Since the present civil-military government came to power following the dissolution of Parliament on 27 June 1973 and the subsequent suspension of all democratic political activity, Amnesty International has received persistent reports of serious human rights violations in Uruguay. During this period the world-wide membership of Amnesty International has repeatedly appealed to the Uruguayan authorities for the release of hundreds of persons whom it believes to have been imprisoned for non-violent political and trade union activities, and whom it considers to be prisoners of conscience. The organization has also campaigned actively to bring an end to the practice of torture and the cruel, inhuman and degrading treatment of persons held in the custody of the police and the armed forces.

In March 1983 Amnesty International wrote to the Minister of Foreign Affairs, Dr. Carlos Maeso, to inform him that an Amnesty International delegation would be visiting Uruguay during the first week of April to collect information relating to its human rights concerns, and requested the cooperation of the Minister in arranging meetings for its delegates with governmental and military authorities. The mission consisted of Professor Heleno Claudio Fragoso of Brazil, Vice-President of the International Commission of Jurists and a member of the Brazilian Bar Association, and Sebastian Brett, of the Research Department in Amnesty International's International Secretariat. The delegation visited Montevideo, Uruguay, from 5 to 12 April 1983.

One of the delegates had a meeting with the Minister of Foreign Affairs. The delegation also met representatives of non-governmental organizations, including the Uruguayan Bar Association (Colegio de Abogados), the Servicio de Paz y Justicia, representatives of political parties, and private individuals.

Amnesty International was able to check and supplement its existing information on its human rights concerns in Uruguay. Amnesty International has concluded that serious human rights violations have continued to occur with respect to the arrest and imprisonment of persons for non-violent political activities (prisoners of conscience), the use of torture and other forms of cruel and degrading treatment and punishment, the lack of safeguards against arbitrary detention, and the use of legal procedures that do not conform to internationally accepted standards for a fair and impartial trial.

This memorandum is divided into six sections corresponding to different areas of Amnesty International's concern for the international protection of human rights. It concludes with a summary list of recommendations which it respectfully submits to the government, in the belief that their implementation would provide a basis for the restoration of legal guarantees and respect for human rights in Uruguay.

## 2. DETENTION PROCEDURES

The Uruguayan Constitution of 1967 establishes that an arrest can only be infraganti delicto or on the written authorization of a magistrate based on prima facie evidence of committal of a crime (Article 15). The magistrate must take a statement from the detainee within a period of 24 hours and committal proceedings must begin within 48 hours (Article 16). With regard to persons detained for alleged "subversive activities", the maximum period of lawful detention before a person is brought before a competent magistrate was increased by decree in June 1973 to ten days. This legal stipulation has remained in force until the present day.

In the case of persons arrested on suspicion of political activities banned under the terms of current Uruguayan legislation, even this stipulation appears to have been ignored. Much longer periods of pre-trial detention than those permitted even by the decree of 1973 are common. Their purpose appears to be to extract information leading to a conviction or to the arrest or conviction of others. During this period of preliminary detention which may last for several months, the detainee is normally held incommunicado and has no access to his family or to a lawyer. Neither is he permitted a medical examination by a doctor independent of the detaining authority. The detainee therefore lacks any recourse which may help to prevent the possibility of ill-treatment or pressure, or, should it occur, which could enable him to secure legal redress.

It has become common in recent years for the Executive to justify such detention procedures by reference to Article 168:17 of the Constitution, which allows the Executive to take medidas prontas de seguridad en los casos graves e imprevistos de ataque exterior o conmoción interna, "emergency security measures in serious and unforeseen cases of external attack or internal turmoil" (hereunder referred to as MPS). These measures refer exclusively to emergency powers of arrest or transfer of persons from one part of the territory to another, which may be carried out by the Executive without reference to the courts. Arrests made under these powers are excluded from legal stipulations regarding arrest procedures and the length of pre-trial detention. The Executive is provided with the faculty of making such arrests as a preventive measure at moments of national emergency, where the person arrested may be perceived as a direct threat or danger to the constitutional or social order and may therefore be kept in preventive custody until the national emergency is over. Article 168 of the Constitution, however, contains strict safeguards against the misuse of these measures by providing that any individual arrest made under this faculty must be communicated to Parliament within 24 hours and Parliament is empowered to decide whether the measures are justified or should be revoked, but since the dissolution of the elected Legislature in June 1973, and its replacement by an appointed body, the Council of State, this safeguard has not been invoked.

Since this date, it became increasingly evident that the MPS were commonly used not only for preventive detention, but also as a legal basis for detention of persons suspected of illegal activities under Uruguay's state security laws for periods much longer than those allowed by existing laws. The actual reason for their use therefore appears to have been related to the need to obtain evidence for convictions. In

practice, the distinction between arrests made under emergency measures and those made with a view to obtaining a legal conviction became increasingly blurred. The use made of MPS became routine, without effective guarantees against their improper use.

Individual guarantees are further curtailed by the suspension of the remedy of habeas corpus in cases of detention under MPS. The Uruguayan government maintained in February 1982 in its report to the Human Rights Committee established under the International Covenant on Civil and Political Rights, that

"The basic requirement for this remedy to be applicable is that the arrest must have been unlawful. For this reason, Article 17 of the Constitution does not apply in the case of an arrest ordered under the prompt security measures regime; in that case there can be no allegation of an unlawful arrest, since the arrest results from the application of a constitutional regime, and is consequently proper and lawful."

This ignores the fact that the Constitution does not deny the right of habeas corpus in the case of arrests ordered under MPS. Habeas corpus remains applicable in any case in which there are grounds for believing that the constitutional limitations on the exercise of MPS have not been observed. According to the terms of Article 168:17, for example, continued detention under MPS would be unlawful in cases in which the Executive had failed to notify the General Assembly or the Permanent Commission of the arrest and the reasons for it; it would also be unlawful where the other constitutional guarantee for citizens detained under MPS - the option of exile - had been denied. Numerous such cases were reported after 1974. In the discussions on Uruguay's report to the Human Rights Committee, submitted under Article 40 of the International Covenant on Civil and Political Rights, which took place in April 1982, the Uruguayan representative informed the Committee that his government was considering the abolition of the Prompt Security Measures regime, and restoring the full exercise of the right of habeas corpus. It was with concern, therefore, that Amnesty International learned of recent reports that in the discussions currently in progress with representatives of the political parties, the government has proposed significant limitations on the right of habeas corpus in the case of persons detained for "crimes of subversion". In the view of Amnesty International this would eliminate a fundamental safeguard against arbitrary detentions without due process.

Amnesty International is not able to make a precise estimate of the number of detainees who are currently held under MPS during the interrogation phase (pre-sumario) before eventual prosecution. Since the authorities do not publish such details, reliable information is hard to obtain. In many cases, the family of the detainee is not informed about the legal basis for the arrest until a confession or other evidence has been obtained and the detainee is summoned before a magistrate. The family is then commonly told about the charges against the prisoner.

During the period from September 1981 to April 1982, Amnesty International obtained details of the arrest of some 64 suspected members of left-wing political parties and illegal trade union organizations. A number of these arrests appeared to follow a disturbing pattern. In at least ten cases known to Amnesty International, persons were abducted by

members of the security forces in the street, where there were no witnesses to the arrest. The detention was not recognized by the authorities, and the family was not informed of the place of detention or the reason for the arrest for several months. During this period, the victim had "disappeared" under Amnesty International's definition,\* although in some cases he or she was allowed to make a brief telephone call home to reassure relatives. The detainee was not, however, allowed to reveal where he or she was being held. In most cases relatives actively sought information from the police authorities and the intelligence branches of the armed forces, but were unable to gain confirmation of the arrest or the place of detention.

In a meeting with one of the Amnesty International delegates, the Minister of Foreign Affairs, Dr. Carlos Maeso, stated emphatically that "disappearances" did not occur in Uruguay. Although the Amnesty International delegate pointed out the organization's concern about continuing reports of unacknowledged arrests, the Minister stated that persons arrested were submitted to courts in accordance with accepted legal procedures. He did however concede that "subversives" might be held for periods longer than those permitted under civil legislation for the purpose of investigation, as a result of what he described as the need of the security forces to counter security measures adopted by clandestine groups to protect their members.

This view was later stated explicitly in Point 2 of the document published in May 1983 by the armed forces entitled Hechos Acaecidos en la República que Justifican un Nuevo Texto Constitucional, prior to the opening of negotiations with the legal political parties. This document proposes amendments to the 1967 Constitution to extend the maximum lawful period of pre-trial detention in the case of persons arrested on suspicion of offenses under the Law of State Security and Internal Order. It was stated that the maximum period of 24 hours allowed by the 1967 Constitution for the detention of suspects before they are brought before a magistrate was "totally insufficient". Points 1 and 3 also recommend constitutional amendments which explicitly permit nocturnal searches and secret investigations conducted by the intelligence branches of the armed forces which are prohibited under Article 22 of the 1967 Constitution still in force. Of particular concern to Amnesty International is the fact that such proposals would have the effect of legitimizing illegal procedures which have regularly been employed during the past ten years against non-violent political opponents exercising their constitutional political rights and rights to hold opinions without interference.

Amnesty International drew the Minister's attention to three cases in which persons remained "disappeared" in circumstances which suggested that they had been arrested, one of whom was later seen in custody. The Minister said he had no knowledge of these cases, but promised to investigate them. Details are given on page 7 below in the section devoted to "Disappearances".

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\* The term "disappearance" is used when people are arrested or kidnapped by government agents or by other groups directly or indirectly supported by the government and the government subsequently refuses to acknowledge that they have been seized and detained.

The Amnesty International mission was informed of two cases in which the official date given for the arrest was several months after the reported "disappearance". Américo Gastón Roballo's date of arrest was officially given as 21 January 1983. Amnesty International had previously received information from a number of independent sources that Sr. Roballo had "disappeared" in September 1982 and, in subsequent months, had continued to follow the case in the absence of further information on his whereabouts. Amnesty International was later informed by a reliable source that Américo Gastón Roballo had, in fact, been arrested on 8 September. During the following period, Sr. Roballo's detention was not recognized and the government denied knowledge of his whereabouts and, in response to inquiries by human rights agencies, suggested that he might have left the country. María Yvonne Klinger Larnaudie, who has French nationality, was arrested in the street on 31 January 1982. Her detention was not recognized and her family was unable to obtain official confirmation of her arrest and place of detention for several months. At the beginning of May 1982, an advertisement was placed in a Montevideo newspaper, El Día, appealing for information on her whereabouts. While in custody, she was allowed to telephone her family to say that she was "all right" but gave no further information. According to one report she was later seen in custody in the military barracks of the Grupo de Artillería No. 1, known as La Paloma. She was subsequently transferred to the regular military prison for women political prisoners, Punta de Rieles. In April 1983 she was awaiting trial on charges of "subversive association" which carries a penalty of three to 18 years' imprisonment, as a result of her alleged political activities as a member of the Unión de Juventudes Comunistas (Union of Communist Youth). The official date given for her arrest by the authorities was 23 April 1982.

In such cases, habeas corpus petitions have proved ineffective. After considerable delays (sometimes of months), the response most commonly received is that the person is not registered as detained. The party presenting the petition is in many cases unable to provide evidence of the arrest, or indicate the authorities responsible. The official decision to "recognize" the arrest appears to be taken at the discretion of the security forces, often only days before the detainee is called before the military examining magistrate at the close of the investigation (pre-sumario). In 18 of the arrests in 1981 and 1982 on which Amnesty International has information, the approximate length of time prisoners were reported to have "disappeared" following their arrest ranged from two weeks to seven months. Full information is given in Table 1 on page 6.

The failure of the authorities to recognize detentions when they occur not only undermines the effectiveness of guarantees against unlawful imprisonment, but also increases the risk of ill-treatment and torture during the period of interrogation following the arrest. The importance of the availability to the public of information on detentions as a safeguard against torture and similar practices was stressed by the Human Rights Committee in its General Comments under Article 40, paragraph 4 of the International Covenant on Civil and Political Rights, adopted by the Committee on 27 June 1982. The Committee pointed out that

"Among the safeguards, which may make control...[of torture and similar practices] effective...are...provisions requiring that detainees should be held in places that are publicly recognized,

Table 1

UNACKNOWLEDGED DETENTIONS IN URUGUAY  
BETWEEN SEPTEMBER 1981 AND SEPTEMBER 1982

Name	Probable Date of Arrest	Place of Arrest	Approx. Length of Time "Disappeared"	Reported Place of Detention in Period following Arrest
ARCE J.	11/09/81	Not known	7 weeks	"La Paloma"*
ARRIOLA W.	31/10/81	In street	6 weeks	Not known
BORSANI F.	22/10/81	In street	7 weeks	Not known
CABALLERO D.	22/03/82	In street	28-32 weeks	Cuartel de Caballería No. 4
ESPONDA Y.	22/10/81	In street	7 weeks	Not known
GURIA R.	4/12/81	Not known	20 weeks	Not known
KLINGLER M-I.	31/01/82	In street	24 weeks	"La Paloma"
LAVINA A.	10/09/81	In street	13 weeks	8th Cavalry Regiment
MORIN N.	15/10/81	In street	16 weeks	Not known
MUJICA G.	21/10/81	In street	2 weeks minimum (Official date of arrest 6/11/81)	Not known
NIEVES N.	23/08/81	Not known	12 weeks	Comisaría No.9 & No.4
PEREZ O.	20/09/81	In street	8 weeks	Cuartel de Caballería No.9; "La Paloma"; Cuartel de Mendoza e Instrucciones
PEREZ S.	14/10/81	Not known	10 weeks	Cuartel de Caballería No. 9
ROBALLO A.	8/09/82	Not known	18 weeks	Cuartel de Infantería Buceo
RODRIGUEZ S.	23/12/81	In street	24 weeks	Not known
SEOANE F.	12/12/81	In street	Not known	Not known
VARELA A-M.	20/09/81	In street	8 weeks	Not known
YANEZ A.	5/12/81	Not known	24 weeks	Not known

Note: This table gives information on cases in which detainees have been held in custody without acknowledgement of their arrest by the authorities. Periods of incommunicado detention in excess of the maximum time limit permitted by the Constitution are, however, also common in cases where the arrest has been more promptly acknowledged. All the prisoners listed are currently detained in Libertad and Punta de Rieles military prisons.

\* Grupo de Artillería No. 1

and that their names and places of detention should be entered in a central register available to persons concerned, such as relatives." (Emphasis added)

3. "DISAPPEARANCES"

Three persons who are believed to have been arrested in Montevideo in September 1981 and January 1982 (when widespread arrests of suspected political opponents were reported) remain "disappeared". They are Omar Antonio Paita Cardozo, a construction worker who "disappeared" after leaving his home on 21 September, 1981, Félix Ortiz Piazzoli, who "disappeared" during the first week of September, and Miguel Angel Mato Fagiani, an employee of the Fábrica Uruguaya de Neumáticos S.A. (FUNSA) factory in Montevideo, who "disappeared" on his way to work early on the morning of 29 January 1982. The authorities have denied that they are in custody, although one of them, Omar Paita, was allegedly later recognized in custody in a military barracks in Montevideo in a serious condition, apparently as a result of torture. Victoriano González, a trade unionist, claims to have recognized Omar Paita in a military barracks where he himself was detained from 28 September to 20 October 1981. Although there were no known witnesses to the arrest of Félix Ortiz and Miguel Angel Mato, the timing and circumstances of their "disappearance", together with the common practice of holding political suspects in incommunicado detention for extended periods, provide a strong basis for believing that they were taken into custody.

In view of the serious fears about the personal safety of these men, Amnesty International has urged the authorities to carry out a thorough investigation into their whereabouts and fate.

Amnesty International is concerned at the failure of the Uruguayan authorities to take effective action to clarify the fate or whereabouts of 120 Uruguayan citizens, including seven children, who "disappeared" following their abduction in Argentina during the period from 1974 to 1979. These persons were living legally in Argentina as political refugees, many of them under the formal protection of the United Nation's High Commission for Refugees at the time of their "disappearance". Amnesty International has repeatedly appealed to the Argentinian authorities to carry out a full investigation into the circumstances of the "disappearance" of these people, and to make its results public.

Amnesty International believes that the Uruguayan government has a parallel obligation to take steps to ensure that the full facts concerning the abduction and subsequent "disappearance" of Uruguayan citizens in Argentina are fully investigated and made public in each case. Independent testimonies of Uruguayan citizens abducted in Argentina and subsequently released have provided disturbing evidence of the participation of members of the Uruguayan military intelligence and other security services in the interrogation and torture of Uruguayans held in secret detention centres in Argentina. Some of these persons were transferred in secret back to Uruguay, and subsequently charged and sentenced to imprisonment by military courts.

One such person, Enrique Rodríguez Larreta Piera, a well-known journalist, has provided evidence of the participation of Uruguayan security agents in the kidnapping in Buenos Aires, and subsequent secret deportation, of some 24 Uruguayans in July 1976. According to his description of events, he was held in secret detention for nearly four months following his abduction in Buenos Aires on 13 July 1976, during which time he was tortured both in Argentinian and Uruguayan detention centres, asked to confess to an invented crime in return for his freedom, and to renounce his right to independent legal advice. His detailed testimony was included by the Human Rights Commission of the Organization of American States in its 1979 report on human rights in Argentina.

Despite repeated attempts by relatives and human rights organizations to obtain official information on these cases, the fate and whereabouts of 43 others abducted in Argentina during the same year is still unknown. Among these are the trade union leaders Gerardo Gatti Antuña, León Duarte Lujan and José Hugo Méndez Donadio, all of whom were recognized in a secret place of detention in Buenos Aires by Señor Rodríguez Larreta and Washington Pérez, a trade unionist who was taken violently from his home on 13 June 1976. A further 49 Uruguayans, including three children, are reported to have "disappeared" in Argentina during the following year, 1977.

In a broadcast to the nation on 28 April 1983, an Argentinian spokesman delivered a statement on events in Argentina in the 1970's, in which it was declared that all those reported to have "disappeared" in Argentina during this period must be considered dead. On 11 May 1983, Amnesty International sent a telegram to President Reynaldo Bignone expressing its dismay at this summary announcement, which, it pointed out, neither dispelled the anguish and uncertainty of the families of the "disappeared", nor satisfied the legitimate concern of the international community about these cases. The organization said that it did not accept the explanation put forward in the statement that many of these persons had died in armed confrontations. It pointed to the existence of detailed information which indicated firstly that the identities of most of the victims were known to their captors; secondly, that the victims were not engaged in violence at the time of their abduction; and thirdly, that many of them were seen alive in secret camps run by the police and security forces, where torture was routinely practised. Amnesty International also pointed out that the statement failed to comply with the recommendations made by specialist bodies of the United Nations and the Organization of American States, which had repeatedly stressed the Argentine government's obligation to give detailed information to families about the fate of their "disappeared" relatives.

#### 4. TORTURE AND CRUEL, INHUMAN AND DEGRADING TREATMENT

Torture and cruel, inhuman and degrading treatment of detainees is prohibited by Article 26 of the Uruguayan Constitution. In the case of detainees held under the jurisdiction of military law, Article 7 of the Law of State Security and Internal Order states:

"The public official in charge of the administration of a prison, of the custody or transfer of an arrested or sentenced person,

who commits arbitrary acts or submits the person to harshness not permitted by the regulations will be punished with a sentence of six months imprisonment to two years' of penitentiary."

Article 320 (bis) of the same law increases the penalty by one third where there are special aggravating circumstances.

Articles 186 and 187 of the Code of Military Penal Procedures state that arrests can only be carried out on the express authorization of a magistrate, either by written order, or, in certain cases, by telephone, and that in all cases the warrant must be displayed to the arrested person. The magistrate may order a person to be detained incommunicado, but except in exceptional cases, this must not last for more than two days, and must not prevent the accused from communicating with his defence lawyer, attending the hearing of witnesses, and communicating in writing with the prison director and the judicial authorities (Article 192).

Despite the existence of these formal guarantees against arbitrary detention and ill-treatment of detainees, Amnesty International is concerned that in 1981 and 1982, as in previous years, many detainees were held incommunicado without access to a lawyer for periods much longer than those permitted by law, and courts were unwilling or unable to enforce habeas corpus writs submitted on their behalf. Numerous allegations of the torture or ill-treatment of these persons have been received, although to Amnesty International's knowledge, none were investigated by the courts and in no cases did they lead to legal action.

Civil magistrates are unable to intervene in cases under the jurisdiction of military courts or in arrests carried out on the orders of the Executive under emergency powers. Guarantees against unlawful custody and the physical abuse of detainees can therefore only be enforced by military magistrates who, as serving officers in the armed forces, are therefore subject to military rank and discipline. If the latter were to order an investigation into an allegation of torture or ill-treatment or declare evidence inadmissible on this basis, their order could be countermanded by higher military authority who could take disciplinary or even penal action against them. In general it appears that military magistrates rarely, if ever, act on the basis of such allegations.

Cases have been reported in which military magistrates have themselves used threats to induce detainees to sign confessions in their presence. In April 1978, Washington de Vargas Saccone, who had been accused of serious crimes including murder, is reported to have been told by a military magistrate, Dr. Carmelo Betancour, that if he refused to sign an official confession he would be handed over again to the intelligence branch of the armed forces for renewed interrogation. He refused, and a few days later was hospitalized in a coma after allegedly receiving a savage beating from a group of officers at Libertad prison where he was detained. He was later removed from the Central Hospital of the Armed Forces to a military barracks and was allegedly tortured again. He eventually signed the declaration before the court. At no point was his confession deemed inadmissible because of the treatment to which he had been subjected. (See below, pages 28 and 29.)

Practices adopted for the arrest and questioning of political suspects include measures to prevent successful criminal proceedings against

security officers accused of abuses against detainees: threats against detainees to return them to incommunicado detention if they report their treatment, the hooding of political prisoners to prevent them from identifying their interrogators, the allowing of sufficient time for the marks of torture to disappear before the detainee is brought before a magistrate, and the use of detainees' statements, signed under duress, to the effect that they have been well treated while in custody. Furthermore, in the case of those detained for political reasons, public allegations of torture or ill-treatment or investigations conducted by news media into such allegations are impeded because of the government censorship of all news media and the danger of prosecution and penal action against the author, journalist or editor responsible for any such allegations.

From testimonies received from prisoners of conscience and other political prisoners from a wide variety of backgrounds who left the country following their release, Amnesty International has collected a large amount of information which provides a consistent and coherent picture of the torture of detainees following their arrest. This evidence is further supported by testimonies received from ex-members of the armed forces who have described in detail the conditions which exist in army and naval detention centres, arrest procedures, and the techniques of torture allegedly employed routinely. The latter include forcing prisoners to wear hoods for weeks or even months on end, severe beatings, enforced standing for prolonged periods (plantón), hanging from the wrists, knees and ankles, electric shocks applied to the most sensitive parts of the body (picana eléctrica), near asphyxiation by means of the submersion of the head or upper part of the body in tanks of water, sometimes polluted by excrement (submarino), the forcing of prisoners to sit straddling iron or wooden bars which cut cruelly into the groin (caballete), burns, and sexual abuse and violation. Psychological methods which have been reported include verbal threats and abuse, simulated executions, forcing detainees to witness the torture of others, either directly or by means of tape recordings, threats of the torture of spouses or children, humiliation, and techniques of sensory disorientation.

Consistent allegations are made that medical staff at military or police detention centres assist or advise in the practice of torture. It is alleged that doctors examine detainees before the beginning of interrogation, make medical information available to officers in charge, and are on hand during interrogation both to revive victims, provide temporary relief through the administration of drugs and other treatment, and to advise officers when the victim's life appears to be at immediate risk. It is also alleged that doctors provide written medical reports giving details of detainees' state of health when they are taken from the place of detention to regular prisons, which may be used as evidence to refute allegations that torture or ill-treatment has taken place.

Torture is reported to take place in a large number of barracks belonging to the different branches of the armed forces, and in the intelligence branches of the police force. According to the information available to Amnesty International, detainees arrested in 1981 and 1982 who were subsequently indicted by military courts, were taken after their arrest to the following places of detention:

Cuartel de Caballería No. 9  
The military barracks of the Naval Fusileers (Fusileros Navales, FUSNA, in the port of Montevideo)

The military barracks known as "La Tablada"  
The military barracks of the Grupo de Artillería No. 1 ("La Paloma")  
The barracks of the Battalion of Armoured Infantry No. 13 (Batallón de Infantería Blindada No. 13) in Montevideo, commonly referred to as "El Infierno", Hell  
Batallón Florida de Infantería No. 1  
The Fifth Department of the Police (Departamento No. 5 de la Policía)  
Comisaría No. 4 de la Policía  
Comisaría No. 9 de la Policía

One detailed testimony received by Amnesty International from Victoriano González, which is consistent with similar reports, provides an account of the treatment he received following his arrest on 28 September 1981. He now lives with his family in exile.

Victoriano González Camargo

Victoriano González, previously a member of the Executive of the National Metal Workers' Union, was arrested on the street in Montevideo with his nine-year-old son, by men claiming to belong to the Narcotics and Dangerous Drugs squad, who forced him into a car. After an argument with his captors, he was allowed to leave his son at his home with his mother-in-law. He was then hooded and forced to lie on the floor of the car. He was taken to a place which, from the duration of the journey, he believed to be the barracks of the 13th Armoured Infantry Regiment. On his arrival he was asked if he suffered from any illnesses, and his blood pressure was taken. After a time he was taken up a spiral staircase to an upper floor. There he was made to undress completely and was hung from a bar. In this position he was given electric shocks and beaten all over his body. After being subjected to this treatment for some time, a person he believed to be a doctor asked for him to be given a hot bath. The "doctor" said that he was concerned that he might die. He was vomiting, shivering and trembling convulsively. He was then allowed to lie down and was covered with a blanket, although he was still trembling and shivering even after about three hours had passed. He was asked if he felt better and replied that he did. He was then immediately made to stand upright with his hands against a wall (puesto inmediatamente en plantón) and forced to keep this position most of five days and nights. During this time he was constantly and repeatedly interrogated. He was then taken upstairs again and hung from a bar in the ceiling. When he passed out as a result of the intense pain, he was let down. Later, he was taken to confront another detainee whose voice he recognized as that of Omar Paita. (According to Amnesty International's information, Omar Paita "disappeared" on 21 September 1981; his detention was never acknowledged by the Uruguayan authorities and his present whereabouts remain unknown.) Immediately afterwards he was made to endure a further period of enforced standing for two days. During this time a person he believed to be a military doctor questioned him and took his pulse. At a later questioning, his interrogators promised to release him if he agreed to collaborate. He was told that he would be released, but that he would be taken into custody again after two weeks and if he tried to escape, his family would be arrested. He was told that if he refused to collaborate, he would be taken along by the security forces on later operations and denounced as an informer. He claims that staged photographs were taken of him by a hooded photographer

in the company of two other persons whom he did not know, and that threats were made that the photographs would be handed out in the streets.

He was later allowed to wash, and during the night he was woken up and put in the same car in which he had been initially detained. The front seat was adjusted so that he could not be seen from outside. His blindfold was later removed, and he was put down in the street at about 12:30 a.m. During the time that he had been held (over three weeks) his family had received no information concerning his whereabouts.

#### 4.1 Deaths in Custody

On 13 July 1982 Amnesty International wrote to the Uruguayan authorities appealing for an urgent investigation into the deaths of two prisoners, Edgar Sosa Cabrera and Juan Alfredo Pino Garín, who were being held in continued detention although they had both completed their prison sentences and the date of their release had been confirmed by the military court. Edgar Sosa was reported to have died during the last week of April 1982 while being held in isolation in an outbuilding at Libertad prison. Juan Pino died on or around 16 June 1982 while in military custody in the barracks of the Batallón de Ingenieros de Combate No. 2 in the town of Florida. In both cases military authorities claimed that the prisoners had committed suicide. Both men, however, were known to be awaiting their release after completing in full a long term of imprisonment, and Juan Pino had already received a visa to enable him to take up residence with his family in Sweden. He was not reported to be suffering from any form of physical or mental illness. In view of these circumstances, Amnesty International considered it imperative that a full investigation be carried out, given widespread fears that their death may have been the result of torture or ill-treatment received while they were being held incommunicado. No reply was received to Amnesty International's communication, and it is believed that no action has been taken to establish the actual circumstances and causes of their deaths.

The Uruguayan authorities have consistently maintained that rigorous measures are adopted to prevent the ill-treatment of detainees in the custody of police and military units. In its report submitted in February 1982 to the United Nations' Human Rights Committee under Article 40 of the International Covenant on Civil and Political Rights, the authorities appended a list of 16 cases in which convictions had been obtained against members of the security forces for abuses of authority against detainees held in their custody. However, no details were published of the incidents to which these convictions relate, of the sentences passed, or of the names of those convicted. In addition, the cases appear to have been heard by civil courts, whereas abuses committed by members of the armed forces, against which the majority of allegations have been made, would fall under the jurisdiction of military courts. Amnesty International is surprised at this apparent contradiction. The organization does not consider that this information, by itself, provides evidence of a serious intent on the part of the authorities to prevent these frequently alleged abuses. It would respectfully refer their attention to the General Comments of the Human Rights Committee under Article 40, paragraph 4 of the International Covenant on Civil and Political Rights, which were adopted by the Committee at its 16th session on 27 July 1982:

"Most states have penal provisions which are applicable to cases of torture or similar practices. Because such cases nevertheless occur, it follows from Article 7, read together with Article 2 of the Covenant, that states must ensure an effective protection through some machinery of control. Complaints about ill-treatment must be investigated effectively by competent authorities. Those found guilty must be held responsible, and the alleged victims must themselves have effective remedies at their disposal, including the right to obtain compensation."

#### 5. PRISONERS OF CONSCIENCE

"...the object of Amnesty International shall be to secure throughout the world the observance of the provisions of the Universal Declaration of Human Rights, by:

- a) irrespective of political considerations working towards the release of and providing assistance to persons who in violation of the aforesaid provisions are imprisoned, detained or otherwise physically restricted by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence..."

(Statute of Amnesty International)

Amnesty International is concerned about the continued detention of prisoners whom it believes to have been arrested and convicted on the basis of their political opinions or their non-violent political activities, and whom it thus considers to be prisoner of conscience.

Almost all such prisoners of conscience were arrested during the period following the dissolution of parliament by the armed forces in June 1973, and the subsequent introduction in December of a law banning political parties which had previously been legally recognized in Uruguay and had engaged in constitutional political activity, including participation in national and local government elections. A previous law passed shortly after the closure of parliament had outlawed the Convención Nacional de Trabajadores (CNT), the National Workers' Convention, Uruguay's largest trade union grouping, to which a wide range of trade unions were affiliated. In the subsequent period there were further laws severely limiting political expression and trade union activity, including the right to strike. The majority of the prisoners considered by Amnesty International to be prisoners of conscience have been convicted of membership of or support for these political parties or trade union organizations, or of illegal political or trade union activity.

These prisoners were sentenced to terms of imprisonment under the Law of State Security and Internal Order passed by parliament in July 1972. This law created a new category of offenses "against the nation" (de lesa nación) and provided for civilians accused of these offenses to be tried by military courts. The total number of persons convicted by these courts in the period between 1972 and 1982 is 4,873, according to official figures.

Although a number of the prisoners who were accused of membership of or support for the Movimiento de Liberación Nacional - Tupamaros (hereunder referred to as MLN - Tupamaros), were tried by military courts following the passage of this law, Amnesty International believes that in the period from 1975 until the present, the great majority of the convictions obtained related to illegal but non-violent political or trade union activities. The arrests which took place during this period principally affected trade union activists from a wide range of previously legal unions, and peaceful political opponents of the government, in particular those who were accused of membership or support for left-of-centre political groups and parties. During this period there was no serious incidence of armed or violent political opposition in the country.

From the limited legal information available, 150 of the prisoners on whose behalf Amnesty International has been working appear to have been arrested either in relation to trade union activities or membership, or in relation to alleged membership of or support for, the Uruguayan Communist Party. In individual cases the actual basis for the charges is not clear from the information available. Of these prisoners, 49 were arrested in the period 1975-76, when widespread arrests of alleged members of the Uruguayan Communist Party were first reported: 43 in 1979 and 30 in 1980.

The Uruguayan Communist Party is known to have had a long tradition of legal participation in politics at the national and local levels. Several of its leading members, who are now in prison, were members of parliament, or held positions in local government. Many were leading members of trades unions before their arrest. Other prisoners of conscience were convicted of membership of the Uruguayan Socialist party, which like the Communist Party, participated as a member party of the Frente Amplio coalition in the 1971 elections. Other prisoners considered by Amnesty International to be prisoners of conscience were accused of membership of smaller parties such as the Grupo de Acción Unificadora, the Partido para la Victoria del Pueblo and the Partido Comunista Revolucionario. Before their arrest, these prisoners were active in a wide range of professions and areas of national activity, and they include politicians, officers in the armed forces, lawyers, doctors, university professors, teachers, journalists, students, writers and artists, and workers and craftsmen in many branches of industry.

The majority have been convicted of offenses under Chapter 6 (bis) of the Military Penal Code, which refers to offenses "against the nation". In practice, convictions have commonly been obtained under Article 60(1),6 Atentado Contra la Constitución, attack on the Constitution, which carries a possible prison sentence of 10-30 years; Article 60(5) Asociación Subversiva, subversive association, punishable with 3-18 years' imprisonment; and Article 60(6), Asistencia a la Asociación Subversiva, assisting subversive association, punishable by two to eight years' imprisonment. Many prisoners have been convicted of more than one of these "offences", or have additional charges. The actual prison sentences received, in the case of these prisoners of conscience, range from four to 20 years' imprisonment; 29 prisoners have received more severe sentences of over 10 years' imprisonment for one or more of these "offences".

The most common offence, asociación subversiva, which refers to the crime of associating in a group with the purpose of changing the constitution or form of government by illegal means, appears to have been routinely interpreted to include the mere fact of membership of, or support

for, an illegal trade union or political party or group, regardless of whether there was evidence of any intention to resort to illegal or violent means to bring down the government or change the constitutional order.

Since the authorities have not made available copies of court transcripts, there is little information available of the substantive charges on which convictions were obtained. However, officially published information on convictions by military courts tends to confirm the above view, that evidence of membership of or support for an illegal political party or trade union has been considered sufficient grounds for conviction. In a number of these cases convictions were obtained on the basis of retroactive charges relating to the period prior to December 1973, when these parties or trades unions were legal.

Rosario Pietrarroia Zapala, a metal worker and former General Secretary of the National Union of Metal and Allied Workers, was arrested on 19 January 1976, and subsequently charged with subversive association and "attack on the Constitution at the level of conspiracy". He was sentenced to 12 years' imprisonment in October 1979. The prisoner's family maintained that he was prosecuted and found guilty of acts which were not illegal at the time they were committed. According to the Human Rights Committee established under the International Covenant on Civil and Political Rights which considered the case in March 1981, the Uruguayan authorities "offered no explanation as regards the concrete factual basis of the offences for which Rosario Pietrarroia was charged in order to refute the claim that he was arrested, charged and convicted on account of his prior political and trade union activities, which had been lawful at the time engaged in." The Committee concluded that the conviction of Rosario Pietrarroia was in contravention of Article 15(1) of the International Covenant because the penal law was applied retroactively in his case.\* The International Covenant does not allow for any derogation from Article 15 on grounds of the existence of a public emergency. The Committee reached the same decision on the case of Ismael Weinberger Weisz, who was released from prison in January 1983, after serving in full an eight-year prison sentence for subversive association.

In recording its views on these and on similar cases, the Committee noted that in no case had the State Party furnished the Committee with copies of court decisions relating to the specific illegal activities of persons accused of subversive association. Both the above-named prisoners were adopted by Amnesty International as prisoners of conscience.

Other prisoners have apparently been convicted on the basis of activities which have been prohibited by government decree although they are protected as legitimate rights by the Constitution still in force, such as the right to engage in trade union activities, the right to strike (Article 57 of the Constitution of 1967) and the right to peaceful assembly (Article 38).

\* Article 15(1) of the International Covenant on Civil and Political Rights states that "No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed."

Amnesty International has adopted as prisoners of conscience persons arrested for trade union activities who have been convicted, apparently on that basis alone, of subversive association or attack on the Constitution. In May 1980, for example, a group of trade unionists were arrested in connection with a May Day protest stoppage carried out by workers in the building industry and the banking sector. On this occasion employers were required to submit lists to the military authorities of all employees who failed to report for work on the first of May. The main motive for the strike was to register protest against a government decision to move the day of the traditional May Day holiday from 1 to 5 May. On the 29th of April, the leading members of the Asociación de Empleados Bancarios Uruguayos (AEBU), the Uruguayan bank workers' union, were arrested, after they had issued a declaration in protest at the decision. One of those arrested at this time, Gerardo Riet, a building worker, received a 10 year prison sentence on charges of subversive association and attack on the Constitution. Others who were accused of membership of SUNCA, the construction workers' union, received sentences of four or five years. Such arrests have continued: in 1981 and 1982 Amnesty International learned of the arrest of 30 trade unionists. Many were charged for alleged membership of the Uruguayan Communist Party. In other cases the charges appear to relate to trade union activities alone. Amnesty International considers all these persons to be prisoners of conscience.

Amnesty International has taken up as prisoners of conscience 16 military officers who were supporters of the Frente Amplio in the parliamentary elections of 1971. They were all arrested between 1973 and 1976. The charges against them refer to the pre-election period of 1971 when they reportedly pledged themselves to defend the Constitution in the event of a military coup d'état, as well as to their participation in the massive peaceful protest organized in 1973 in Montevideo in protest against the closure of Parliament.

One of the military prisoners, General Liber Seregni, was the presidential candidate of the Frente Amplio in the 1971 elections. He was first arrested on 9 July 1973, the day of the demonstration against military intervention in government. He was charged with encubrimiento de atentado contra la constitución en grado de proposición, conspiración y conspiración seguida de actos preparatorios ("concealment of an attack against the Constitution, in the form of proposal, conspiracy and conspiracy followed by preparatory acts"; Articles 197, 132:60, 137 of the Ordinary Penal Code) and with instigar públicamente a asumir o ejercitar funciones públicas ("public instigation to assume or exercise public functions", Article 147 of the Ordinary Penal Code). The first charge appears to have been based on declarations made by persons who had been accused in 1972 of membership of the MLN - Tupamaros that General Seregni had been present at a meeting held by them during the election campaign. The witnesses were never produced in court for questioning by the defence. The second charge was based on General Seregni's alleged responsibility for the activities of the Frente Amplio activists during the election campaign, which included constructing pedestrian shelters and cleaning beaches, which were considered to be functions properly belonging to public bodies. General Seregni was released provisionally on 2 February 1974 and kept under house arrest. He was detained again on 11 January 1976 and new charges were added to the proceedings against him, including atentado a la constitución en grado de conspiración (Article 60, paragraph 6 of the Military Penal Code). This was based on the accusation

that General Seregni had been one of the promoters of Operativo 1815, an agreement between military leaders to guarantee, amid rumours of a coup d'état at the time of the 1971 elections, that the winning candidate would be assured accession to the presidency. Subsequently two other new charges, both of which refer to events which occurred before his original arrest on 9 July 1973, were added: asonada ("mutiny"), referring to his participation in events which took place during the 9 July demonstration, and irrespetuosidad ("disrespect") which referred to public criticisms he had made in a pre-electoral speech of the president of the day, Jorge Pacheco Areco. As President, Jorge Pacheco Areco was head of the Armed Forces. Liber Seregni was accused of publicly criticizing a superior.

Liber Seregni was sentenced to 14 years' imprisonment in March 1978. The appeal hearing before the Supreme Military Tribunal is still awaited.

A second military officer, Captain Edison Ariel Arrarte Sánchez, was originally arrested in 1972 for trying to stop torture in the Infantry Regiment in the town of Salto where he was based. He was later released, only to be re-arrested in January 1976. He is accused of desacato ("insubordination") and making a false testimony, and has been sentenced to 15 years' imprisonment. Altogether 20 military prisoners are being held in the prison of Punta Carretas and in the Cárcel Central of the police headquarters in Montevideo serving sentences of between seven and 25 years' imprisonment.

Dr. Carlos Maynard, an official of the Oficina Central de Información de Personas, claimed in a letter of 5 January 1982 addressed to Amnesty International in reply to an earlier Memorandum which expressed the organization's concerns in Uruguay, that in the view of the Uruguayan government, none of these prisoners satisfied the definition of a "prisoner of conscience". Dr. Maynard gave no reasons for this statement or any evidence to refute Amnesty International's view. Amnesty International is bound to conclude that the basis for the Uruguayan government's position is its refusal to countenance the expression of certain political views or ideologies. The continuing imprisonment of these persons is therefore in contravention of Articles 18(2) and 19(1) of the International Covenant on Civil and Political Rights:

Article 18(2): "No one shall be subject to coercion which might impair his freedom to have or to adopt a religion or belief of his choice."

Article 19(1): "Everyone shall have the right to hold opinions without interference."

6. THE TREATMENT OF PRISONERS IN THE MILITARY PRISONS Establecimiento Militar de Reclusión No. 1 and Establecimiento Militar de Reclusión No. 2 (Penal de Libertad and Penal de Punta de Rieles)

Although Amnesty International has not had an opportunity to visit prisoners held in these establishments since the time of the previous Amnesty International mission to Uruguay in April 1974, the organization has received numerous and consistent allegations which have led it to conclude that prison conditions do not meet the standards established in the United

Nations' Standard Minimum Rules for the Treatment of Prisoners, and that prisoners in both prisons have been subjected to cruel, inhuman and degrading treatment. Amnesty International is aware of the assurances given by the Uruguayan government that strict measures are enforced in both prisons to avoid physical abuses against prisoners. In general, allegations of physical attacks or brutality against inmates have been rare. However, Amnesty International remains concerned that the extreme measures taken to control every aspect of prisoners' lives and conduct, and the apparent severity and arbitrariness of disciplinary measures used, have created a climate of insecurity which has had serious implications for the physical and mental health of prisoners. The conditions of detention and the treatment of prisoners are reported to have become increasingly severe since the Amnesty International mission of 1974. A further continuing concern of Amnesty International has been the effects on prisoners' health of an alleged lack of prompt and efficient medical care in both prisons.

It is frequently alleged that officers responsible for the custody and welfare of prisoners in both prisons have themselves participated in interrogation and torture carried out in military barracks and other places of detention, and that prisoners lack guarantees that they will not be submitted again to such procedures, as has allegedly occurred on a number of occasions. Prisoners are said to be subject to unreasonable restrictions on their ability to communicate with their families through the strict censorship and control of correspondence and visits, and their isolation is further accentuated by prohibitions on any form of communication with other prisoners, including family members, held in other parts of the prisons. There are frequent reports of the selective and arbitrary use of punishments which further increase the isolation of prisoners by the withdrawal of their rights to have visits from their families and to send and receive correspondence, and which in the most severe cases may entail periods of solitary confinement in isolation cells for periods in excess of three months. Prisoners are said to be often uninformed of the reason for these punishments, and to find it extremely difficult to avoid them due to the apparently inconsistent or irrational application of prison regulations. Prisoners are reportedly intimidated and harassed by prison guards or officers by such methods as violent cell-searches (which are sometimes conducted during the night and in which their possessions are stolen or destroyed), the confiscation of reading material or handicrafts, and being forced to carry out humiliating tasks.

During 1982 and 1983 Amnesty International has received reports of increasingly harsh treatment of women prisoners held in the Penal de Punta de Rieles. Prisoners are said to have to do heavy manual work in the prison kitchens from which only the seriously ill are exempted, or to have to carry out apparently pointless tasks designed to humiliate them. During 1982 Amnesty International received reports that isolation cells were being used on an increasing scale as a punishment, depriving prisoners for long periods from receiving visits, food parcels, or any contact with their families. Some of the women who are reported to have refused to clean parts of the prison used only by guards have reportedly been singled out for punishment in recent months.

Amnesty International knows of a large number of male prisoners held in Libertad who are reported to be suffering from psychological problems or psychiatric illness. The majority are held on the second floor of the prison. These prisoners are reportedly not allowed out of their cells

except for one hour a day, and this right is also liable to be suspended as a punishment. They are believed not to receive any psychiatric treatment within the prison beyond the use of tranquillizers and anti-depressant drugs, and some are reported to have been held in isolation cells as a means of control or punishment. There are disturbing reports of the forcible injection of powerful psychotropic drugs with potentially dangerous side effects.

Amnesty International has also been concerned at the practice of forcing prisoners to share cells with those with psychological disturbances, for whose care and control they are made responsible. The former have felt unable to provide proper care for their disturbed fellow prisoners, and their own mental health has thereby been put at risk. One prisoner held on the second floor of the prison, and serving a minimum sentence of 18 years, José Martínez Salgueiro, is believed to have been charged with "disrespect" and sentenced to an additional two years' imprisonment when he refused to share a cell with a disturbed fellow prisoner. José Martínez is reported to have been held continuously for 130 days in a punishment cell, and to have spent a total of two years of his prison term in conditions of strict isolation.

There is a high incidence of serious progressive illnesses in both prisons, such as coronary disease, cancer, respiratory disease, and other conditions which require careful monitoring and treatment. Apart from diseases that may be considered clinically serious, there are a large number of prisoners (some reports have put the percentage as high as 90%) who suffer from one or more of a variety of lesser ailments, such as digestive disorders, ulcers, fungal infections, headaches, circulatory diseases and other conditions which appear to be directly or indirectly related to stress, poor diet, and inadequate opportunities for exercise and recreation.

Recent reports have indicated that medical care in Libertad prison is currently provided by one military doctor assisted only by a military guard without medical training, who is responsible for the distribution of medicines to the prisoners. Routine medical care was previously provided by prisoners with medical training or experience, among them several highly qualified doctors, who were allowed to carry out medical rounds of each floor of the prison daily. It is reported that since 1980 this system has been suspended. The present information also indicates that there is no provision inside the prison for specialized treatment except for monthly visits by an ophthalmologist, an otorhinolaryngologist and electrocardiogram technician, and that the specialized clinics which previously existed in the prison infirmary have been closed. The prison infirmary in which prisoners were previously allowed to work as nurses or to carry out administrative duties is now reportedly staffed exclusively by military personnel.

Medical consultations are reported to be subject to potentially dangerous delays, since the prison doctor, working on his own, is only able to see prisoners from one of the five floors of the prison each day. In some cases prisoners may have to wait for more than a week before seeing a doctor. Common infections which are left untreated may lead to complications which could have been avoided with prompt attention and treatment. There is also concern about the measures adopted to deal with medical emergencies, since requests for urgent consultations appear to be left to

the discretion of prison guards. In Punta de Rieles prison, which is believed to have a similar system of medical care, doctors who have themselves been held there have claimed that tests which are prescribed are often not promptly carried out, and treatment or surgery which is recommended may not be made available. In both prisons Amnesty International has received reports of delays in the transferral of sick prisoners to the Military Hospital for treatment or surgery, and of inadequate consideration to the needs of patients to be allowed sufficient time to convalesce before being returned to the normal prison regime.

Amnesty International continues to be concerned by the treatment and conditions of detention of nine political prisoners who were removed from the Penal de Libertad in September 1973 and who have been held ever since in military barracks in the interior of the country. All nine, Raúl Sendic Antonaccio, Eleuterio Fernández Huidobro, Jorge Amílcar Manera Lluveras, José Mujica Cordano, Jorge Zabalza Waksman, Julio Marenales Saenz, Adolfo Wassen Alaniz, Henry Engler Golovchenko, and Mauricio Rosencoff Silbermann, were accused of being leading members of the MLN - Tupamaros and were convicted of serious crimes, including murder. They received prison sentences ranging from 30 to 45 years. In the cases of Raul Sendic, José Mujica, Jorge Zabalza, Julio Marenales, Mauricio Rosencoff and Henry Engler, review proceedings by the Supreme Military Tribunal have still not been completed although more than ten years have passed since their arrest.

These prisoners have been held for nearly ten years in solitary confinement cells intended for the temporary custody of soldiers, without room for movement or exercise, and without natural light or adequate ventilation or proper hygienic facilities. Opportunities for recreation and exercise and access to reading material are reported to be sporadic and subject to frequent suspension by barracks commanders. Frequent allegations have been made that they have not been provided with an adequate diet. Although family visits have normally been permitted every 15 days, some of the prisoners have not been allowed to communicate with their defense lawyers. All of them have been removed at intervals from one barracks to another, without their families being informed.

There have been disturbing reports that some of these prisoners have been submitted periodically to torture. In September 1982 Amnesty International members wrote to the Uruguayan authorities expressing concern at reliable reports that Raúl Sendic had been transferred in August to a military barracks in Minas, where it was alleged that he was being tortured by immersion in icy water. There was further concern during May 1983 for Eleuterio Fernández Huidobro, following reports that he had been seen with marks of torture on his face and arms in the military barracks of Paso de los Toros, where he is currently being held.

Amnesty International believes that the medical attention received by these prisoners has been seriously inadequate. Regular medical examinations, tests and treatment have reportedly not been carried out in some barracks and the supply of medicines has been restricted to those provided by their families, which do not always reach the prisoner. There is serious concern for the health of all nine prisoners. Amnesty International has repeatedly appealed to the authorities on behalf of Adolfo Wassen Alaniz, who suffers from a malignant tumour of the cervical vertebrae. After receiving surgery in March 1982 at the Central Military Hospital in Montevideo, he was reported to have been transferred to a

military barracks in Durazno, where he was kept in an underground cell without natural light, heating or sanitary facilities.

The other prisoners are reported to suffer from avitaminosis due to inadequate food and the lack of fresh air and sunlight, respiratory problems, serious impairment of vision and reflexes as a result of being held for prolonged periods in confined spaces with permanent artificial light, incontinence, dehydration, intestinal disorders, and severe psychological disturbances.

## 7. TRIAL PROCEEDINGS AND LEGAL CONCERNS

Military justice over civilians, which runs against the legal tradition in Uruguay, was first introduced by the declaration of a State of Internal War on 15 April 1972. Other types of emergency legislation had been extensively used since 1968. On 10 July 1972, the General Assembly approved a new "Law of State Security and Internal Order", No. 14,068, which resulted in the lifting of the State of Internal War. In December 1975, a new law, No. 14,493, was passed which retroactively brought anyone accused of crimes against the security of the state under military justice, whatever the date of the offence, and even though sentence may have already been passed.

Amnesty International believes that the judicial procedures followed by military courts do not provide effective guarantees to the defendant of a fair and impartial trial, and that detainees lack effective legal guarantees against unlawful periods of imprisonment without due process. Amnesty International has outlined these concerns in previous communications to the Uruguayan government.

### 7.1 Guarantees against unlawful imprisonment

Amnesty International believes that the practice of holding suspects for long periods in detention following their arrest without access to a lawyer renders ineffective constitutional guarantees against torture and cruel, inhuman and degrading treatment, and the use in trial proceedings of confessions or other evidence obtained under duress. Since detentions are frequently not acknowledged by the military authorities when they occur, and no fixed limits appear to be enforced by the courts on the maximum period of detention before the accused must be brought before a magistrate, defendants are under heavy pressure to cooperate with their interrogators in order to have their detention recognized and be granted minimum legal guarantees, such as access to a defence lawyer. In doing so, however, they may be forced to sign incriminating confessions which may subsequently form the basis of penal proceedings against them.

Although defendants have the right to retract such confessions or statements before the military examining magistrate, few in fact do so. Most detainees must rely on court-appointed military officers as their defence lawyers at this stage, many of whom have no legal training and do not enjoy the confidence of their client. Even where the defendant or his

family is able to appoint a civilian lawyer, no consultation is possible prior to the completion of the indictment proceedings before the military examining magistrate, at which the defendant is formally asked whether he "ratifies or rectifies" his previous statement to the magistrate. Until completion of the indictment, the prisoner lacks guarantees that, in retracting his statement, he will not be returned to a military barracks for further interrogation and possible ill-treatment. Moreover, there is no guarantee that the military magistrate, who is himself an officer in the armed forces, will act on the basis of the defendant's complaint of ill-treatment, and declare the report drawn up at the barracks to be inadmissible evidence. If he does so, his authority may be disregarded by the armed forces or the Executive.

It would appear that the procedures for obtaining evidence for prosecutions under military penal procedures violate Article 14(3g) of the International Covenant on Civil and Political Rights, which states: "In the determination of any criminal charge, everyone shall be entitled to the following minimum legal guarantees, in full equality... (g) Not to be compelled to testify against himself or confess guilt."

#### 7.2 The right to defence

In a report published in 1979 entitled Law and Justice for Political Prisoners in Uruguay, Amnesty International states, "Harrassment of defence lawyers who take on political cases has been such in recent years that civilian lawyers, unless they are themselves in prison, have either gone into exile or no longer take on the defence of political suspects, thus leaving the vast majority of prisoners with only an unqualified military lawyer for their defence."

At the time of the mission in April 1983, Amnesty International had noted an increase in the number of prisoners with privately appointed defence lawyers, although the number of civilian lawyers engaged in such work remains small in relation to the number of cases. The majority of the prisoners rely either on court-appointed defence counsel or on unqualified military officers nominated to undertake defence work. Such duties are considered to constitute "active service" under the Military Code of Penal Procedure.

Although Amnesty International is not aware of reports of the arrest or direct intimidation of civilian defence lawyers in recent years, the mission concluded that serious limitations and constraints still affected lawyers' ability to exercise fully their clients' rights to a properly conducted defence.

The practice of the submission to the military examining magistrates of "reserved" evidence based on a report on the case drawn up by the security intelligence branches of the armed forces, to which the defence has no access and which remains unproven in court, appears to continue. One experienced lawyer claimed that in four cases in which he had acted as counsel for defendants in cases under the jurisdiction of military courts, the magistrate had consulted a secret police report. Although lawyers are freely granted access to the material in the "official" case dossier, they must present themselves at the court where they are only allowed to study it for a limited time. Unlike the magistrate or the

military prosecutor, they are not allowed to remove the documents to their own office for study, or to photocopy them, so that they are obliged to rely on hand-written notes.

Lawyers are not provided with facilities for confidential consultations with their clients held in custody in military barracks or prisons. Even more serious are cases in which prisoners have been unable to communicate with their defence lawyers at any stage of the trial. The UN Human Rights Committee ruled that Raúl Sendic had been unable to choose his own counsel or communicate with his appointed counsel. In the two major military prisons, Libertad and Punta de Rieles, consultations take place under the same security regime applied to visits from family members. Prison guards or officers are present at the interview, which takes place by telephone. The lawyer and his client are separated by a glass screen. Lawyers are restricted by the common assumption that the interview may be taperecorded, and are naturally concerned not to elicit information which may put their clients at risk. Before and following these consultations they are routinely searched. The Amnesty International mission was told that the prison authorities allow lawyers to take only a handkerchief, a piece of paper and a pen into the prison with them. They are not allowed to take in documents or case materials. Those who have several prisoners to interview reportedly have great difficulty remembering the details of several complicated dossiers and claim that their efficiency is inevitably affected.

Lawyers indicated that they are obliged to conduct their work with caution in order to avoid possible recriminations for their client or attracting suspicion themselves. The Amnesty International delegates were told that in November 1982 lawyers acting in political cases were asked to supply detailed personal information to the police, including the names, dates of birth, places of work, and other details of their family members.

Appeals procedures which are formally guaranteed in the Military Code of Penal Procedure are often rendered ineffective by the alleged failure to allow the defence reasonable time or facilities to present its case effectively. For example, in the case of appeals against indictment, the defence has three days in which to lodge an appeal with the court. However, the Amnesty International mission was informed that the lawyer is often notified of the court decision on a Friday. Since the defence lawyer is not allowed to take the dossier away for study over the weekend, or to make a photocopy of it, it is extremely difficult for the defence to present its case effectively before the expiry of the time limit the following Monday.

Despite the observance of the formalities of the right to freely chosen defence counsel, Amnesty International considers that the limitations outlined above constitute a violation of the spirit of Article 14(3b) of the International Covenant on Civil and Political Rights, which states that "Everyone shall be entitled to the following minimum guarantees, in full equality... (b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing."

### 7.3 Appeals procedures

In its report to the United Nations under Article 40 of the International Covenant on Civil and Political Rights submitted in February 1982 the Uruguayan government provided details of appeals procedures available under the Military Code of Penal Procedure which regulates military trial proceedings. While the theoretical availability of these guarantees is not in doubt, lawyers consulted by the Amnesty International delegates expressed strong reservations about their efficacy in practice.

The possibility of an effective appeal against indictment, which is provided for under Article 178 of the Code of Military Penal Procedures, is limited by the fact that detainees are normally held incommunicado in a military barracks until they are brought before the examining magistrate, and are generally unable to communicate with a private defence lawyer at this stage. At the stage at which the appeal must be presented, the lawyer is usually new to the case and does not have sufficient time, in the three days allowed, to make an effective and detailed study of what is normally a long and complicated dossier. The appeal, which is submitted to the Suprema Corte de Justicia Integrada (consisting of five civilian and two military judges) is subject to long delays and the defendant is not eligible for provisional release while the appeal is being considered. The Suprema Corte de Justicia Integrada has only rarely upheld an appeal against indictment.

According to Article 489 of the Code of Military Penal Procedure, final judgements imposing terms of imprisonment exceeding three years are not enforceable as long as they have not been fully reviewed on appeal by the Supremo Tribunal Militar, Supreme Military Tribunal. Both prosecution and defence are entitled to appeal, but if the sentence is over three years, the case is automatically passed up to the higher court. Although this system was intended as a guarantee for the defendant, in practice, according to Amnesty International's information, it has frequently resulted in a higher sentence than that given by the trial judge. In May 1982, for example, Amnesty International was informed that two ex-military officers, Felix Eduardo Rosales and Humberto Sena, who had both been sentenced by the trial judge to eight years' imprisonment, were sentenced on appeal by the Supreme Military Tribunal to 12 years' imprisonment. It was reported at the time that their defence lawyers were not present at the hearing, which was in camera, and that a new charge of "espionage" was added to the charges on which they had been convicted by the lower court. The Supreme Military Tribunal apparently exceeded its functions as a review body, and in passing an increased sentence, acted against the legal principle of non reformatio in peius. In the case of Raúl Cariboni da Silva, a history teacher and expert in educational policy, who was arrested in March 1973 and sentenced by a military court to 12 years' imprisonment, the Supreme Military Tribunal increased the sentence on appeal to 15 years in November 1979, despite his lawyer's appeal for reconsideration of the sentence on humanitarian grounds (Professor Cariboni suffers from a serious heart condition). Out of a sample of 60 cases on which Amnesty International has information, in only 12 cases was the original sentence reduced by the Supreme Military Tribunal on appeal. Of the remaining 48 cases, the original sentence was confirmed in 30 cases, and increased in 18.

Amnesty International remains concerned at the persistence of long delays in the holding of these appeals hearings. The case of Raúl Sendic Antonaccio and five other leading members of the MLN - Tupamaros, most of whom were arrested in 1971 and 1972, have still to be heard by the Supreme Military Tribunal, following repeated postponements of the trials. The same is true of the final appeal hearing in the case of Liber Seregni and eight other military officers detained in civil prisons under the authority of the Ministry of the Interior, whom Amnesty International considers to be prisoners of conscience.

Appeals against convictions by the Supreme Military Tribunal can be presented to the Suprema Corte de Justicia Integrada which has powers of annulment (casación) over such court decisions. However, Amnesty International knows of no case in which such appeals have been upheld. Experienced lawyers indicated that they regarded these in general as paper procedures, without real hope of success. This, in the opinion of the delegates on the Amnesty International mission in April 1983, is the main reason for the small number of appeals presented to the Supreme Court in cases under military jurisdiction in recent years.

Amnesty International believes that the system of military justice established for civilians accused of offences under the Law of State Security and Internal Order entails serious violations of internationally accepted norms for a fair and impartial trial.

### 7.4 The legal situation of prisoners held in detention following the expiry of their prison sentences

The Amnesty International mission sought to obtain information about the legal situation of 38 prisoners who have reportedly been kept in detention following the expiry of their prison sentences. It was believed that these prisoners had been sentenced by the Supreme Military Tribunal and had served their sentences in full. (The law, however, requires prisoners to be set free provisionally on completing the sentence passed by the lower court, even when the case has not yet been reviewed by the Supreme Military Tribunal.)

Prior to the mission, Amnesty International's information was that 21 of these prisoners were being held in administrative detention under medidas prontas de seguridad after expiry of their sentences as a precautionary measure under emergency security measures provided for in Article 168:17 of the Constitution.

In 1980 and 1981, 27 prisoners known to Amnesty International were committed to new trial proceedings while still in detention and it was not possible to determine exactly how many of the prisoners believed to be held under MPS might in fact be facing new charges and were in detention pending trial. However, human rights sources suggested that at least six or seven prisoners were being held without charges on the basis of Article 168. The Minister of Foreign Affairs, Dr. Carlos Maeso, confirmed to one of the Amnesty International delegates that some prisoners were held for a limited time after completing their sentence. This was in the interests of security on the grounds that these prisoners were considered to be "highly dangerous".

The mission was informed by other sources that prisoners held under medidas prontas de seguridad were given a different uniform but in other respects were subject to the same prison regime as prisoners serving sentences. Some have been moved out of the main military prisons, Libertad and Punta de Rieles, to military barracks. It was claimed that decisions for the release of prisoners were taken by the combined anti-subversion operations command of the armed forces (OCHOA) which may overrule the courts, and that many of these prisoners had in fact received a notification from the court authorizing their release, but the release had not been carried out. Some lawyers expressed the view that one of the intentions of this use of precautionary detention was to oblige prisoners to leave the country on their release, since Article 168 provides the "option" to leave the country as an alternative to indefinite continued detention as a guarantee for detainees. (Uruguay has no legislation providing for the expulsion of citizens.) This view supported claims made by ex-prisoners held under these powers and released into exile that they had been told that they would be re-arrested if they returned to the country.

The mission was not able to establish whether lists of prisoners held in administrative detention were submitted for review to the Council of State, as is required by Article 168 as a safeguard on the improper use of emergency security measures, but no cases were known in which the Council of State had vetoed these detention orders.

Concern was aroused during 1982 by the continued detention of two prisoners, Jorge Hugo Selves Lawlor and Washington Pedro Guinovart Tonelli, who completed their sentences in February 1981 and June 1981 respectively. Reports indicate that in June 1982 Jorge Selves had been transferred from Libertad prison to a military barracks in the provincial town of Florida, the Batallón de Ingenieros de Combate No. 2, with Juan Alfredo Pino Garín, another prisoner also due for release. Juan Pino was reportedly found dead in his cell a few days later. (See above, page 12.) Washington Guinovart is believed to have been transferred to the same barracks a month later. According to the most recent information, both remain in custody there.

Amnesty International believes that the detention without trial of prisoners who have served their sentences violates Uruguay's obligations under Article 9 of the International Covenant on Civil and Political Rights: "No one shall be subjected to arbitrary arrest or detention."

Article 1(b) of the Amnesty International Statute (1982) states: "The object of Amnesty International shall be to secure throughout the world the observance of the provisions of the United Nations Declaration of Human Rights, by...opposing by all appropriate means the detention of any prisoners of conscience or any political prisoners without trial within a reasonable time, or any trial procedures relating to such prisoners that do not conform to internationally recognized norms." The organization has appealed for these prisoners to be released immediately and unconditionally in the absence of legal proceedings against them.

#### 7.5 Prisoners facing new trials

Amnesty International has also written to the Uruguayan authorities expressing concern about apparent abuses in procedures used in trials of

a group of over 20 prisoners at present serving prison sentences in Libertad military prison. Fifteen of these prisoners are reported to have already completed their original term of imprisonment, but remain in prison on new charges of "subversive association" and other charges, relating to offences allegedly committed while they were in prison. They were accused of participating in a conspiracy to reactivate the MLN - Tupamaro guerrilla organization. This conspiracy was said to have been contrived in prison and to have developed contacts with Argentinian and Palestinian left-wing political organizations, to carry out actions designed to culminate in an invasion of the country from Brazil. These accusations were made publicly in the form of a newspaper article which was based on a statement by the Commander-in-Chief of the Second Army Division, General Julio César Rapela, and included photographs of several of the prisoners and of some of their relatives who were arrested in November 1980 and accused of assisting the conspiracy. The article was published in November 1980, shortly before the plebiscite of 28 November in which constitutional proposals drafted by the civil-military government were put to popular vote. Amnesty International was not able to obtain satisfactory clarification of the basis for these allegations. It was not known whether the charges related to evidence of actual conspiracy or other activities, or simply allegations of membership of a clandestine political group. Some doubt was thrown on the plausibility of any conspiracy given the strict security measures adopted at Libertad prison and the rigorous control of communication both between prisoners and with the world outside. As far as Amnesty International is aware, no further information on the progress of the trials was published officially.

In the absence of more information, Amnesty International is not able to reach conclusions about the allegations against these prisoners. However, it believes that in their interrogation and committal for trial there were serious abuses of their rights to a defence and a fair trial. During September 1980, Amnesty International received reports that three prisoners, including Mario Alberto Teti Izquierdo, a 38-year-old medical student, were taken from the prison without the knowledge of their families or lawyers to a military barracks in the town of Colonia, where they were held incommunicado, interrogated and allegedly tortured. Their incommunicado detention lasted until May 1981. Other prisoners, some of whom had participated in a hunger strike in protest at the removal of the three from the prison, were also subsequently charged. It is believed that they were accused of spreading false information about conditions in the prison. In February 1981 another group of prisoners, including Augusto Kennedy Arbiza, were summarily removed from the prison for interrogation. Self-incriminatory confessions appear to have been obtained at a time when the prisoners were held incommunicado, without access to a lawyer, and without their families being informed of their place of detention, or of their legal situation. It is believed that confessions obtained under duress from these prisoners may have led to the committal for trial of other prisoners. Allegations have been made that prisoners subsequently charged were asked to sign confessions prepared beforehand, on threats of transferral to a military barracks. Frequent interrogation of prisoners is believed to have occurred during the first half of 1981. Some prisoners who reportedly refused to cooperate by signing confessions or providing evidence are said to have been charged in addition with contempt (desacato). Since legal representation is not allowed until after the accused has made a written statement to the investigating judge, prisoners who refuse to sign declarations are without legal advice although

proceedings against them may continue. Amnesty International does not have complete information on the current stage of these trials. However, Augusto Kennedy Arbiza, whose original sentence expired in December 1980, is reported to have been sentenced on the new charges to 12 years' imprisonment to run concurrently with his previous sentence, although the military prosecutor asked for a sentence of eight years.

The Human Rights Committee established under the International Covenant on Civil and Political Rights gave its views in 1982 on the case of Mario Alberto Teti Izquierdo, who has been committed to a new trial, although he was due for release on completion of his prison sentence in May 1982. The Committee sustained the allegations that he had been deprived of access to a lawyer during the period in which he was removed from Libertad prison (from September 1980 until May 1981) and that he had been forced to sign a confession in connection with the new charges against him. In the Committee's view, the Uruguayan authorities had thereby violated Article 14(3g) of the International Covenant.\*

Amnesty International believes that the new legal proceedings against these prisoners have not conformed to internationally recognized standards for a fair and impartial trial.

Summary details are given below of the trial proceedings against three persons accused of serious offences, including murder, allegedly committed by these persons as members of the MLN - Tupamaros. They illustrate Amnesty International's concern with regard to trial procedures in cases under the jurisdiction of military courts and, in particular, the use of confessions obtained as a result of torture and ill-treatment, the failure to provide adequate facilities for a properly conducted defence, the lack of independence and impartiality of military courts and the denial of the right to a public hearing.

#### Washington de Vargas Saccone

A student of law, he was 20 when he was arrested on 21 May 1972 on suspicion of left-wing student activities. Evidence of the torture to which he was submitted while being held in a military barracks has been provided by a released prisoner who claims that he was tortured with Washington de Vargas. This continued intermittently for a period of five months. In December 1972, seven months after his arrest, he was brought before a military court and charged with "unlawful association to commit a crime" under Article 150 of the Penal Code and with "attacking the Constitution of the republic by conspiracy and preparatory action" (Articles 132 and 137 of the Penal Code). The court found him guilty of the first charge alone and sentenced him to two years' imprisonment. On 14 December 1973 the military judge authorized his provisional release on bail of 100,000 pesos, which was paid by the family. However, he was not released. On

\* Article 14(3): "In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing
- (g) Not to be compelled to testify against himself or to confess guilt."

21 June 1976 he was put on trial again, after being held for almost four years without charge in a barracks in San José, and sentenced to six years' imprisonment on the same accusation of which the first court had found him innocent. In April 1977 he was taken from Libertad prison to the Grupo de Artillería No. 1, "La Paloma", where he was again allegedly tortured for more a month and twice attempted to take his own life. In March 1978 his six year sentence was confirmed and the date for his release given as May 1978. However, according to information provided by the Oficina Central de Información de Personas (Central Office of Information on Persons), OCIP, he was charged on 7 June 1977 with new offences, having been accused of involvement in the murder of two policemen and of a guerrilla take-over of a radio station, events which occurred in 1971. He is believed to have protested his innocence of these charges and refused to confess. He was removed again from the prison on several occasions and allegedly tortured again. He continued to maintain his innocence. In April 1978 he was taken before the Juzgado Militar de Quinto Turno (Military Court of the Fifth Instance). The military judge, Colonel Dr. Carmelo Betancour, told him that if he refused to sign an official confession he would be handed over again to his interrogators. He refused, and shortly afterwards he was hospitalized in a coma after being thrown down a staircase and severely beaten with chains by a group of officers at Libertad prison. He was then taken away from the hospital, apparently for further torture. He eventually signed declarations before the court which led to a successful prosecution on charges of "co-authorship of murder" and "repeated robbery". As a result of this new trial, he was sentenced to 24 years' imprisonment with an additional 10 to 15 years' precautionary detention under security measures. This sentence was increased by the Supreme Military Tribunal in 1981 to 30 years with an additional 10 to 15 years' precautionary detention. Following his refusal to sign a statement confirming his sentence, Washington de Vargas was again taken from Libertad prison in August 1981 to an unknown destination. He is believed to have received an additional prison term of 18 months on a charge of contempt of court (desacato) as a result of his refusal to sign his sentence.

Amnesty International believes that the available information based on more than one testimony of prisoners who were held with him, shows that Washington de Vargas was committed and sentenced on the basis of information extorted as a result of torture and ill-treatment, in clear violation of Article 12 of the UN Declaration on the protection of all persons from torture and other cruel, inhuman and degrading treatment or punishment, which states: "Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment may not be invoked as evidence against the person concerned or against any other person in any proceedings." Amnesty International further believes that the military judicial authorities failed to take steps to prevent the torture or ill-treatment of Washington de Vargas Saccone, to declare his confession invalid, or to carry out an investigation into the treatment to which he was subjected or to punish those responsible.

#### Elena Vasilskis Castro

She was an 18-year-old student teacher at the time of her arrest on 4 June 1972. She was reportedly held incommunicado in the military barracks of the First Artillery Group (Grupo de Artillería No. 1, "La Paloma", Montevideo) for a period of three months, when she was allegedly tortured. Her

case was not submitted to the courts until September 1972, when she was accused of being a member of the MLN - Tupamaros and charged with five serious offences, including complicity in homicide. Judgement was pronounced by the Military Court of the First Instance on 14 December 1977, which passed a sentence of 28 years' imprisonment and nine to 12 years of precautionary detention. At the appeal hearing in May 1980 the Supreme Military Tribunal increased the sentence to 30 years with an additional five to 10 years of precautionary detention, although the military prosecutor had requested a sentence of 18 years, much lower than that originally passed by the Court of the First Instance. The court apparently did not take into account her age at the time of the offence, although according to Uruguayan penal law, relative youth, minoría relativa de edad, is considered to be an important attenuating circumstance.

The court hearing was held in secret and neither the defence lawyer nor the prisoner's closest relatives were present. The prisoner's first defence lawyer, Dr. Carlos Martínez Moreno, was obliged to leave the country to avoid his own arrest; her second lawyer was allegedly forced to abandon work on political cases. Responsibility for her defence was subsequently handed over to an unqualified military officer appointed by the military court.

Amnesty International believes that these legal procedures clearly violate the right of the prisoner to a public hearing and the right to adequate assistance to prepare her defence (Articles 14(1) and 14(3b & d) of the International Covenant on Civil and Political Rights, which state:

Article 14(1): All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit of law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

Article 14(3): In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing
- (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing.)

On 31 March 1983 the Human Rights Committee, established under the International Covenant on Civil and Political Rights, considered the case and found the Uruguayan government to have contravened the provisions of Article 14 of the Covenant on three separate counts.

#### Elbio Ferrario Olivera

Elbio Ferrario, an artist, was 19 when he was arrested on 24 July 1972. He was accused of membership of the MLN - Tupamaros. After being held in various military barracks where he was allegedly tortured, he was transferred in May 1973 to Libertad prison, where he is still detained.

According to his lawyer, who was obliged to leave the country in 1978 following his own arrest and detention for 18 months, trial proceedings against Elbio Ferrario were based exclusively on declarations he made during the investigation (pre-sumario) which were obtained at a time when he was being held incommunicado and subjected to torture over a period of four months. When he was brought before the military judge of the court responsible for the case, Colonel Federico Silva Ledesma, he withdrew these declarations which he declared had been obtained by means of physical and psychological ill-treatment (bajo apremio físico y psicológico) and which he claimed he had been forced to sign while he was hooded out of fear of being subjected again to the same ill-treatment (por temor a ser sometido a nuevos apremios). At the same time he made a qualified confession (confesión calificada) to the effect that he had been a member of the MLN -Tupamaros from December 1970 until June 1971 when he voluntarily left the organization. He was able to produce witnesses to confirm this statement. He also admitted to having worked as a photographer for the MLN during this period, and that his photographs were used for making false documents.

However, the military examining magistrate failed to declare the original statement retracted by Elbio Ferrario inadmissible, and also failed to take into account either the qualified statement of the accused or the testimony of witnesses called by the defence. In May 1977 the Military Court of the First Instance passed a sentence of 22 years' imprisonment and an additional eight to 10 years of precautionary detention under security measures, although the military prosecution asked for a sentence of 14 years. On 5 March 1979 the Supreme Military Tribunal reduced the sentence to 20 years' imprisonment with an additional two to eight years of precautionary detention.

Amnesty International believes that the conduct of this trial was based on the improper use of a self-incriminating confession obtained as a result of ill-treatment and subsequently denied by the accused before a court of law. This practice violates Article 435 of the Uruguayan Code of Military Penal Procedure, which states that confessions are only valid as evidence in a court if they have been given in the presence of the judge and the defence lawyer, without the use of violence, intimidation, gifts or promises. In the case of Elbio Ferrario it is apparent that the sentence imposed by the court on the basis of this evidence was disproportionately harsh. No account appeared to be taken by the court of his relative youth at the time of the offence.

RECOMMENDATIONS

1. Amnesty International recommends that the Uruguayan authorities publish and maintain a complete register of all those persons in custody under emergency provisions and sentenced by, or facing trial proceedings before, military courts for alleged offences de lesa nación under the Law of State Security and Internal Order (1972).
  2. Amnesty International urges the Uruguayan government to ensure that all those prisoners held on the basis of their political beliefs or activities who have neither used nor advocated violence are released unconditionally in accordance with Uruguay's obligations under Articles 18, 19 and 21 of the International Covenant on Civil and Political Rights.
  3. Amnesty International appeals to the Uruguayan government to grant as broad an amnesty as possible for all those political prisoners sentenced by, or facing trial proceedings before, military courts.
  4. Amnesty International urges the Uruguayan government to take effective measures to investigate and make known the whereabouts and fate of all those Uruguayans who are reported to have "disappeared" in cases where there is either evidence or grounds for believing that they were arrested by security forces,
    - (a) by interceding with the Argentinian authorities with a view to ensuring that a full investigation is carried out into the whereabouts and fate of all those Uruguayans who are reported to have "disappeared" in Argentina, and that its results are made public;
    - (b) by carrying out a similar investigation into the circumstances of the "disappearance" of Uruguayan citizens in Uruguay;
    - (c) by ensuring that, in either case, any person found to have committed human rights violations in connection with the illegal kidnapping and "disappearance" of persons are brought to justice, and that the victims or their families obtain legal redress.
  5. Amnesty International urges the Uruguayan government to carry out a thorough investigation into the treatment of detainees held in the custody of the police and the armed forces, and to adopt the necessary measures to prevent torture and cruel, inhuman and degrading treatment. In the opinion of Amnesty International, the following minimum safeguards are necessary:
    - (a) that the existing constitutional provisions regarding the length of time any persons may be held in custody before being brought before a magistrate are strictly followed;
    - (b) that the security forces obtain and show judicial warrants before arresting suspects, and that the latter's families are promptly informed of their arrest and place of detention;
    - (c) that detainees have regular access to a lawyer and to their families as soon as possible after their arrest. All detainees should also have access to a doctor independent of the security forces at regular intervals afterwards, and before release from detention, and should be provided with appropriate medical treatment at all times;
- (d) that the government ensure that courts fully investigate allegations of torture and ill-treatment, and do not proceed on the basis of evidence or confessions obtained from detainees where it has been established that they have been tortured or ill-treated while in custody, in accordance with Articles 10 and 12 of the United Nations' Declaration on the Protection of all Persons from Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.
6. Amnesty International appeals to the Uruguayan government to repeal the Law of State Security and Internal Order (No. 14,068) of July 1972, and to return the jurisdiction over the arrest, the custody and trials of civilians to civil courts, in accordance with the Constitution of 1967.
  7. Amnesty International urges the Uruguayan government to take steps to ensure that the medical attention and treatment of prisoners held in military prisons is brought into line with the requirements of the United Nations' Standard Minimum Rules for the Treatment of Prisoners, and in particular, Rules No. 22(2), 24, 25(1) and 25(2).
    - 22(2): Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals...
    - 24: The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical and mental illness and the taking of all necessary measures...
    - 25(1): The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.
    - 25(2): The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.
- The organization further appeals to the government to carry out an immediate review of the regimes currently applied in the military prisons, and to ensure that these faithfully reflect the spirit of Article 57 of the United Nations' Standard Minimum Rules for the Treatment of Prisoners, which states: "Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation."
8. Amnesty International urges the Uruguayan government to take steps to ensure that Raúl Sendic Antonaccio, Eleuterio Fernández Huidobro, Jorge Amílcar Manera Lluveras, José Mujica Cordano, Jorge Zabalza Waksman, Julio Marenales Saenz, Adolfo Wassen Alaniz, Henry Engler Golovchenko and Mauricio Rosencoff Silbermann receive all necessary medical treatment and to arrange their early transfer to a regular prison run in accordance with the United Nations' Standard Minimum Rules for the Treatment of Prisoners.

9. Amnesty International urges the Uruguayan government to ensure that prisoners are not held in custody after the expiry of their prison sentences without the legal authority of the courts.

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