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URUGUAY

@Excessive force by police in Montevideo

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EXTERNAL

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In the afternoon of 24 August, hundreds of demonstrators gathered around the Hospital Filtro, in the capital Montevideo, to protest at the imminent extradition to Spain of three suspected members of the armed Basque group Euskadi Ta Askatasuna (ETA), Basque Homeland and Liberty. The three men were in hospital following a 14-day hunger strike. According to reports, the climate of tension and animosity among the demonstrators increased as the expected time for the transfer of the three men drew near. The arrival of the official vehicles to enforce the transfer was greeted by a barrage of stones and sticks by some demonstrators. Anti-riot police and mounted police of the Guardia Republicana then proceeded to disband the demonstration charging and firing on the crowd with what appeared to be excessive and lethal use of force. The ensuing violence resulted in the death of at least one person and the wounding of at least 75 others, including members of the police. These were the worst disturbances registered in the country since the return to civilian rule in 1985.

The Victims

According to a statement by the Minister of Interior, Dr Angel María Gianola, on 25 August, 44 members of the police and 31 civilians were injured during the disturbances. The Minister of Interior also stated that 28 people, including two minors, had been arrested and subsequently released. The Uruguayan press published a list of injured people which had been issued the same day by the Montevideo Police Headquarters, (Jefatura de Policía), with the names of the 43 members of the police who had sustained bruises and cuts, and another grazed by a bullet. The report listed 36 civilians treated in a number of hospitals, 12 with bullet wounds. The rest of the civilians suffered multiple bruising and other injuries as a result of the disturbances.

Although the Minister of Interior stated that police action was in response to aggression by some demonstrators, the alarming number of civilians who sustained serious injuries, apparently as a result of gunfire and beatings, suggests that police used excessive and disproportionate force in dealing with the demonstration.

Alvaro Fernando Morroni, (24 years old), received several bullet wounds in his chest during the demonstration and died shortly after his arrival at the Police Hospital (Hospital Policial). **Esteban Massa**, a male nurse of the emergency medical service (Servicio de Emergencia Médica Móvil (SEMM)), was shot in the back while attending to an injured demonstrator. His condition was described as critical. The student **Carlos Alejandro Font**, (18 years old), was seriously injured from bullet wounds to the head. Twenty one-year-old student **Mónica Raquel Ramírez** was shot in the abdomen suffering several perforations in the intestine. **Fernando Ulfe**, (19 years old) lost an eye as a consequence of a bullet wound. Many of those civilians treated in hospitals suffered injuries apparently resulting from beatings and from being trampled by police horses.

The Investigation

Following statements issued by Uruguayan human rights organizations, trade unions and political parties, asking for an investigation into the incident and deploring the violence described in witnesses' accounts, the Minister of Interior announced that an investigation would be initiated.

Amnesty International appealed to the Uruguayan government in a communication dated 26 August, to carry out a thorough and impartial investigation into the apparent excessive use of force by the Uruguayan police. On receiving news of the announcement of the investigation, the organization requested information about its terms of reference. Amnesty International believes that the facts should be promptly and rigorously investigated by an impartial and independent body and that the results should be made public. The investigation should determine whether the use of force by police during the operation was excessive and disproportionate, according to international principles which regulate the use of force and firearms by law enforcement officials.

Although Amnesty International has not received an official reply to its communication, the organization welcomes reports which indicate that an investigation of the events of 24 August, conducted by the Fifth Penal Court (Juez Penal de 5o. Turno), has been initiated. It has also been reported that testimonies of eye-witnesses are being collected by the relevant judge to facilitate the investigation.

Background

Three Spanish citizens, Luís María Lizarralde, Jesús María Goitia Unzurrunzaga and Miguel Ibañez Oteiza were extradited on 24 August 1994, from Uruguay to Spain, where they were wanted on charges under Spain's anti-terrorist laws, in connection with a number of killings and other activities attributed to the armed Basque group ETA. Although there is an extradition agreement between the two countries, there was widespread protest that the extradition went against Uruguay's long lasting tradition of granting protection to political exiles. Demonstrations attempting to stop their extradition, staged by Uruguayan citizens since 22 August in Montevideo, culminated in the events of 24 August.

In the aftermath of the violence, two radio stations, Radio Panamericana CX44 and Radio Centenario CX36, were accused by government officials of inciting the demonstrators to violence. Both stations had made extensive coverage of the incidents of 24 August. On 26 August the two radio stations were ordered by the executive power to suspend their broadcast for 48 hours. Later the same day, Radio Panamericana was closed permanently by a presidential decree which establishes that the purchase of the station by its current owners was never officially sanctioned and

is therefore invalid. Recordings of broadcasts made by the two radio stations in relation to the disturbances of 24 August were seized by the authorities for their inspection.

Amnesty International was concerned that the Uruguayan government should not allow the extradition before certain guarantees were obtained from the Spanish government, and wrote to the authorities in this regard. (See News Service 198/94 AI Index AMR 52/WU 01/94). In a communication dated 22 August the organization expressed its concern that the men could be subjected to torture or ill-treatment in Spain if detained incommunicado. It underlined the need to request guarantees from Spain for the physical security of the three men and that the accused would be brought immediately before the Audiencia Nacional, which is responsible for the investigation and prosecution of the case. Amnesty International also urged the Uruguayan government to seek guarantees from Spain that the detainees would be tried promptly and be free to choose their own lawyers.

Under Spanish anti-terrorist legislation, detainees may be held incommunicado for up to five days. Amnesty International has been concerned for many years about the use of incommunicado detention and ill-treatment in Spain. In May last year, the United Nations Committee Against Torture condemned the use of incommunicado detention under the anti-terrorist law. Experts on the committee felt that the use of this legislation was conducive to torture and ill-treatment.

On 26 August the Uruguayan Minister of Foreign Affairs, Dr Sergio Abreu, informed Amnesty International that he had raised concerns about the possible ill-treatment of the three men in Spain with his Spanish counterpart who had "provided the utmost guarantees a state governed by the rule of law can offer".

According to reports, on arrival in Spain, the three men ended their hunger strike and were taken to a prison hospital where their statements were taken by a judge of the Audiencia Nacional.

In a statement following the violence of 24 August, Amnesty International said that it was ironic that, while the Uruguayan government had taken welcome steps to safeguard against ill-treatment in Spain, its own police appeared to have had little concern about using excessive force on Uruguayan civilians during the demonstration.

KEYWORDS: DEMONSTRATIONS1 / TORTURE/ILL-TREATMENT1 / EXTRAJUDICIAL EXECUTION / DISABLEMENT / STUDENTS / NURSES / JUVENILES / WOMEN / POLICE / EXTRADITION / CIVIL UNREST / INVESTIGATION OF ABUSES /

See Overleaf for recommended actions and government authorities to write to

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in Spanish, English, or in your own language:

- Expressing concern at the alarming number of civilians victims of gunshot wounds and beatings during the violent incidents of 24 August, including the killing of Alvaro Fernando Morroni; and the serious wounding of numerous other civilians, including Esteban Massa, Carlos Alejandro Font, Mónica Raquel Ramírez and Fernando Uffe;
- express your concern that the above suggests the police used excessive and disproportionate force in dealing with the demonstration;
- noting that an investigation has been initiated, request information on its terms of reference and progress to date;
- urge that the investigation into these events be prompt, thorough, and impartial, that any findings be made public and that those responsible of having used or permitted excessive use of force be brought to justice;
- urge that steps be taken to ensure that international principles which regulate the use of force and firearms by law enforcement officials are respected;
- call for appropriate compensation to the victims or their relatives in cases where excessive use of force by the police is proven.

Please send **APPEALS IMMEDIATELY** To:

1) President of the Republic
2) Minister of Interior
 S.E. Luis Alberto Lacalle Sr. Angel María Gianola
 Presidente de la República Ministro del Interior
 Oriental del Uruguay, Ministerio del Interior
 Casa de Gobierno, Edificio Libertad Mercedes 993
 Avda. Luis Alberto de Herrera, 3050 Montevideo, Uruguay
 Montevideo, Uruguay
 Telegrams: Ministro del Interior,
 Telegrams: Presidente Lacalle, Montevideo, Uruguay
 Montevideo, Uruguay
 Fax: +5982 92 3142
 Fax: +5982 23 03 40
 Salutation: Sr. Ministro
 Salutation: Sr. Presidente

3) Minister of Foreign Affairs
4) Supreme Court
 Dr. Sergio Abreu Bonilla Dr. Luis Torello
 Ministro de Relaciones Exteriores Presidente de la Suprema Corte de Justicia
 Ministerio de Relaciones Exteriores Gutiérrez Ruiz, 1310
 Avda. 18 de Julio 1205 CP 11100 - Montevideo, Uruguay
 Montevideo Uruguay
 Telegrams: Sr. Presidente, Corte Suprema,
 Telegrams: Ministro de Relaciones Montevideo Uruguay
 Exteriores, Montevideo, Uruguay
 Fax: +5982 92 3549
 Fax: +5982 92 1327
 Salutation: Sr. Presidente
 Salutation: Sr. Ministro

COPIES OF YOUR APPEALS TO: (Please include a cover letter explaining who you are and the work the group is undertaking on this case.)

Parliamentary Human Rights Commission

Sra. Matilde Rodríguez Servicio Paz y Justicia (SERPAJ)
 Presidenta Comisión de Derechos Joaquín Requena 1642, 11200
 Humanos de la Cámara de Diputados Montevideo, Uruguay
 Palacio Legislativo (Human Rights organization)
 Montevideo, Uruguay

Instituto de Estudios Legales y Sociales Brecha (Newspaper)
 (IELSUR) Plaza Independencia 1376, Avda Uruguay 844, 11100 Montevideo, Uruguay
 Piso 8, Ap.8 - 11100 Montevideo, Uruguay
 (Human Rights organization)
 and to diplomatic representatives of URUGUAY accredited to your country

This EXTERNAL document is being sent to URUGUAY and PABRAN Coordinators for action as PABRAN 06/94. It is being sent to sections for information. Please check with the Research Department at the International Secretariat if sending appeals after 30 January 1995.

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