URUGUAY

an amnesty international briefing

- Human rights violations: political arrests and detentions
- ‘Disappearances’
- Torture and cruel, inhuman or degrading treatment
- Treatment of civilians held in military prisons
- Prisoners of conscience
- Trials
- Deaths in custody
Torture and executions are widespread. In many countries men, women and children have been put to death without any pretence of legality: selected and killed by governments and their agents. These abuses — taking place in countries of widely differing ideologies — demand an international response. The protection of human rights is a universal responsibility, transcending the boundaries of nation, race and belief. This is the fundamental principle upon which the work of Amnesty International is based.

- Amnesty International is a worldwide movement independent of any government, political persuasion or religious creed. It plays a specific role in the international protection of human rights:
  - it seeks the release of prisoners of conscience. These are people detained for their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence;
  - it works for fair and prompt trials for all political prisoners and on behalf of political prisoners detained without charge or trial;
  - it opposes the death penalty and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation.

- Amnesty International is impartial. It does not support or oppose any government or political system, nor does it support or oppose the views of the prisoners whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or the beliefs of the victims.

- Amnesty International, as a matter of principle, condemns the torture and execution of prisoners by anyone, including opposition groups. Governments have the responsibility for dealing with such abuses, acting in conformity with international standards for the protection of human rights.

- Amnesty International does not grade governments according to their record on human rights: instead of attempting comparisons it concentrates on trying to end the specific violations of human rights in each case.

- Amnesty International has an active worldwide membership, open to anyone who supports its goals. Through its network of members and supporters Amnesty International takes up individual cases, mobilizes public opinion and seeks improved international standards for the protection of prisoners.

Amnesty International's work is based on the United Nations Universal Declaration of Human Rights. The organization has formal relations with the United Nations (ECOSOC), UNESCO, the Council of Europe, the Organization of African Unity and the Organization of American States.

Since the present government came to power following the dissolution of the National Assembly by the armed forces on 27 June 1973 and the subsequent suspension of all democratic political activity, Amnesty International (AI) has received reports of serious human rights violations in Uruguay.

In March 1983 AI wrote to the Minister of Foreign Affairs, Dr Carlos Massa, to inform him that AI delegation would be visiting Uruguay during the first week of April to collect information relating to its human rights concerns.

During the course of the mission, one of the delegates had a meeting with the Minister of Foreign Affairs. The delegation also met representatives of non-governmental organizations, including the Colegio de Abogados Uruguayan Bar Association; the Servicio de Paz y Justice, Peace and Justice Service, representatives of political parties, and private individuals.

On 26 July 1983, AI sent a memorandum summarising the findings of the mission and its concerns in Uruguay to the Uruguayan President, Retired General Gregorio Alvarez. In a covering letter, AI offered the Uruguayan authorities an opportunity to reply, stating that it could publish a reply together with the Al Memorandum if the reply were received by 9 September.

By that date, no response had been received. The authorities have not made any substantial response to any of the detailed concerns outlined by AI in previous communications it has submitted.

Human rights abuses have continued to occur in Uruguay since the Al mission report. At least 50 university students and young people are believed to have been arrested in Montevideo in June 1983, 25 of whom were subsequently charged with "subversive association" or "assistance to subversive association" under Article 60 of the Military Penal Code, which carry penalties of three to eighteen years and two to eight years imprisonment. The students were accused of illegally distributing leaflets and of organizing meetings and demonstrations as members of the banned Union de Juventudes Comunistas, Union of Communist Youth. There was no suggestion that any of them had practised or advocated violence in any form. All were subsequently adopted by AI as prisoners of conscience. Disturbing reports were received from reliable independent sources that some of the prisoners had been tortured with electricity, beatings and semi-asphyxiation by immersion in water. At least one woman was alleged to have been raped while in custody and a male detainee had to be hospitalized allegedly as a result of injuries caused by torture.

AI has concluded that serious human rights violations have continued to occur since 1973 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, inhuman 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.
In 18 of the arrests of 1980 and 1982 on which AF has information, the approximate length of time prisoners were reported to have disappeared following their arrest ranged from six to nine months. In such cases, AF consider these periods sufficiently long to be considered as detention. The Committee has noted, however, that in many cases arrested persons were not transferred to military detention facilities and that, for this reason, the precise length of time these persons were held in detention is unknown.

Disappearance

Three persons who are believed to have disappeared may be in custody in Montevideo. According to information received by AF, two of these persons, Belén de la Cruz and Benito Oliva, have been seen in military barracks in Montevideo. They have not been located by AF and their families have not been informed of their whereabouts.

Prisoners of conscience

AF has information concerning the arrest, detention, interrogation, and torture of at least 41 prisoners of conscience during the period from 1974 to 1979. These prisoners were arrested on the basis of their participation in subversive political activities, which was not illegal at the time they were arrested. Many of the prisoners were detained for periods of months without being charged. In other cases, the prisoners were charged with subversive association, which continues to be illegal. The Committee reached the same conclusion in its previous reports to the 25th and 26th sessions of the Commission of Inquiry.

Leguizamón family - Claudia Ernesto Leguizamón, Monica Grupo de Leguizamón

This family are Argentine citizens who were arrested in Montevideo on 21 September 1978. On 18 May 1978 they were forced by a group of armed men into a car and have not been seen or heard of since. Claudia was working for a firm of accountants, Monica also worked in an office, the little girl attended a day nursery.

Military officers

AF has taken up as prisoners of conscience 24 military officers who supported the Frente Amplio in the 1971 elections. These prisoners were all arrested between 1973 and 1976. The charges against them refer to their participation in the elections and to their alleged political activities. The Committee has considered all these persons to be prisoners of conscience.
Torture and cruel, inhuman and degrading treatment

Despite the existence of constitutional guarantees, there is no effective deten tion and ill-treatment of detainees. 4 The con cern in this is that in these deten tions, and in the periods much longer than those permitted by law, detainees were held incommunicado and subjected to violent ill-treatment, with the result that they were unable to enforce basic human rights and to prevent allegations of the torture or ill-treatment of detainees. 5

Depriving them of the use of the courts and of legal aid, although, to 47% of knowledge, some were investigated by the courts and no cases did they lead to legal action.

Civil magistrates are unable to inter vie for cases under the jurisdiction of military courts and are arrested carried out on the orders of the Executive under administrative rules. 6

In cases under the jurisdiction of military courts or in arrests carried out by military forces, including military magistrates have ordered the detention of detainees can therefore only be obtained on this basis inadmissible.

A/ 4 continues to be concerned by the practices adopted for the arrest and detention of political prisoners to prevent them from identifying their interrogators, the allowance of inspections conducted by news media into such premises, and the techniques of torture carried out in military barracks and other places of detention.

In general, allegations of physical attacks or brutality against inmates have been rare. However, A/ 4 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.

Practices adopted for the arrest and detention of 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 Antonacci, Elieriandro Fernando Huıldıbro, Jorge Ignacio Macías, Jorge Zarba Zaumán, Julio Marcelo Sáenz, Adolfo Vázquez Alonso, Henry Engler, Erick Hernández García, and Eleutorio Fernández Huidobro, were accused of being leading members of the Tupamaros, an urban guerrilla organisation active in the period from 1965-1972, and received prison sentences ranging from 30 to 45 years.

These prisoners have been held for nearly 10 years in military barracks in the temporary custody of military cells intended for the temporary custody of prisoners with marked tendencies towards violence, or to have to carry out apparently pointless tasks designed to humiliate them. During 1982, A/ 4 received reports that isolation cells were being used on an increasing scale as a punishment, depriving prisoners for long periods from seeing friends, family members, or any contact with their families. Some of the women members of the Tupamaros who have not been tortured have been released.

In late March 1983 for Eleutorio Fernández Huidobro, who was being tortured by immersion in water and subjected to solitary confinement for weeks or even months on end, severe progressive illnesses in both prisons, and their own mental health has thereby been seriously damaged.

There is a high incidence of serious progressive illnesses such as coronary disease, cancer, renal disease, and psychiatric disorders which require careful monitoring and treatment.

Recent reports have indicated that medical care in the prisons currently provided by one military doctor assisted only by a few others who have had no medical training, who is responsible for the distribution of medicines and who does not even count the number of prisoners for whom he is responsible. Routine medical care was previously provided by prisoners with medical training or experience, among them several doctors of the Minas prison. In February 1983, a prison doctor was appointed to carry out medical rounds of each floor of the prisoners, the number of those for whom he is responsible.

The other prisoners are reportedly suffering from the lack of proper treatment, the conditions which exist in army and naval detention centres, arrest procedures, and the techniques of torture carried out in military barracks and other places of detention.

Torture and cruel, inhuman and degrading treatment

41 believes that prison conditions in the military prisons, Penal de Libertad and Penal de Punta de Rieles, 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.

Forced confessions

Cases have been reported in which military magistrates have imposed threats to induce detainees to sign confession statements. In April 1978 Washington de Vargas Saccone, who had been in political detention since 1973, was apprehended at his home in Buenos Aires by the military forces. After being tortured, he was taken to the military prison in Buenos Aires, from where he was taken to the prison of San Nicolás. He was then handed over to the intelligence branch of the army for questioning.

Betancourt, who if he refused to sign an official confession he would be handed over again to the intelligence branch of the army, Bettencourt that if he refused to sign an official confession he would be handed over again to the intelligence branch of the army, where he has been held ever since.

In April 1978, Washington de Vargas Saccone, who had been in political detention since 1973, was apprehended at his home in Buenos Aires by the military forces. After being tortured, he was taken to the military prison in Buenos Aires, from where he was taken to the prison of San Nicolás. He was then handed over to the intelligence branch of the army for questioning.

Betancourt, who if he refused to sign an official confession he would be handed over again to the intelligence branch of the army, Betancourt, that if he refused to sign an official confession he would be handed over again to the intelligence branch of the army, where he has been held ever since.
The conduct of trials

Military justice over civilians, which runs against the legal tradition in Uruguay, was institutionalized for trials lasting three years or more. Military justice over civilians, which runs against the legal tradition in Uruguay, was not considered.

Legal guarantees

A/ believes that the judicial procedures followed by military courts do not provide effective guarantees for the defendant in a fair and impartial trial, and that defendants are not given legal guarantees against unlawful period of imprisonment without due process.

Legal guarantees

A/ believes that the judicial procedures followed by military courts do not provide effective guarantees for the defendant in a fair and impartial trial, and that defendants are not given legal guarantees against unlawful period of imprisonment without due process.

Legal guarantees

A/ considers that the limitations outlined above constitute a violation of the core of the International Covenant on Civil and Political Rights which states that "everyperson shall be entitled to the following minimum guarantees, in full equality... (i) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing."

Elena Vayakis Castro was an 18-year-old student at the time of her arrest on 4 June 1979. She was held incommunicado in a military barracks for two months, months and allegedly tortured. Prosecution asked for a sentence of 18 years' imprisonment, but she was sentenced in December 1979 to 12 years of preventative detention. At the appeal hearing in May 1980 the sentence was increased to the 30 years with an automatic commutation to a preventative detention. The court hearing was held in secret and without the defense lawyer nor the prosecution's representative being present. In the case of Ehito Ferraro, the court apparently did not take into account her age at the time of the alleged offense, and it is difficult to see that the defendant was held incommunicado in a military barracks for three months and was charged with subversion. The charges were based on a report of the Intelligence branches of the armed forces, and were never confirmed by the military court. The court apparently did not take into account the fact that the defendant was held incommunicado in a military barracks for three months and was charged with subversion. The charges were based on a report of the Intelligence branches of the armed forces, and were never confirmed by the military court.

Defence

The majority of the prisoners refuses to cooperate with the military courts, which have consistently refused to provide legal representation to the defendants. The defence lawyers, who have private defence rights, the mission considered that provision of legal representation to the defendants should be considered.

Appeals

The possibility of an effective appeal against detention, which is provided for under Article 178 of the Code of Military Penal Procedure, 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 not able to communicate with a private defence lawyer at this stage.

Elisa Vayakis Castro was an 18-year-old student at the time of her arrest on 4 June 1979. She was held incommunicado in a military barracks for two months, months and allegedly tortured. Prosecution asked for a sentence of 18 years' imprisonment, but she was sentenced in December 1979 to 12 years of preventative detention. At the appeal hearing in May 1980 the sentence was increased to the 30 years with an automatic commutation to a preventative detention. The court hearing was held in secret and without the defense lawyer nor the prosecution's representative being present. In the case of Ehito Ferraro, the court apparently did not take into account her age at the time of the alleged offense, and it is difficult to see that the defendant was held incommunicado in a military barracks for three months and was charged with subversion. The charges were based on a report of the Intelligence branches of the armed forces, and were never confirmed by the military court. The court apparently did not take into account the fact that the defendant was held incommunicado in a military barracks for three months and was charged with subversion. The charges were based on a report of the Intelligence branches of the armed forces, and were never confirmed by the military court.

Defence

The majority of the prisoners refuses to cooperate with the military courts, which have consistently refused to provide legal representation to the defendants. The defence lawyers, who have private defence rights, the mission considered that provision of legal representation to the defendants should be considered.

Appeals

The possibility of an effective appeal against detention, which is provided for under Article 178 of the Code of Military Penal Procedure, 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 not able to communicate with a private defence lawyer at this stage.
Recommendations

1.  All recommendations in the above-mentioned paragraphs should be carried out. This includes the following measures:
   a.  To establish a special court to try those persons held in military custody for alleged offenses under the Law of State Security and Internal Order (1972).
   b.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.

2.  All recommendations in the above-mentioned paragraphs should be carried out. This includes the following measures:
   a.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.
   b.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.

3.  All recommendations in the above-mentioned paragraphs should be carried out. This includes the following measures:
   a.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.
   b.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.

4.  All recommendations in the above-mentioned paragraphs should be carried out. This includes the following measures:
   a.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.
   b.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.

5.  All recommendations in the above-mentioned paragraphs should be carried out. This includes the following measures:
   a.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.
   b.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.

6.  All recommendations in the above-mentioned paragraphs should be carried out. This includes the following measures:
   a.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.
   b.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.

7.  All recommendations in the above-mentioned paragraphs should be carried out. This includes the following measures:
   a.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.
   b.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.

8.  All recommendations in the above-mentioned paragraphs should be carried out. This includes the following measures:
   a.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.
   b.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.

9.  All recommendations in the above-mentioned paragraphs should be carried out. This includes the following measures:
   a.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.
   b.  To ensure that all those persons held in military custody are subjected to humane treatment and are not subjected to any form of torture or cruel, inhuman, or degrading treatment.
Information from Amnesty International

This briefing is part of Amnesty International's publications program. As part of its effort to mobilize world public opinion in defense of the victims of human rights violations, Amnesty International produces a monthly Newsletter, an annual report, and reports, briefings and other documents on countries in all quarters of the globe.

Amnesty International attaches great importance to impartial and accurate reporting of facts. Its activities depend on meticulous research into allegations of human rights violations. The International Secretariat in London (with a staff of 150, comprising some 30 nationalities) has a Research Department which collects and analyses information from a wide variety of sources. These include hundreds of newspapers and journals, government bulletins, transcriptions of radio broadcasts, reports from lawyers and humanitarian organizations, as well as letters from prisoners and their families. Amnesty International also sends fact-finding missions for on-the-spot investigations and to observe trials, meet prisoners and interview government officials. Amnesty International takes full responsibility for its published reports and if proved wrong on any point is prepared to issue a correction.

How to subscribe to Amnesty International

A subscription to Amnesty International will give you access to information about human rights abuses produced on a global, independent and impartial basis. You will also receive details on how you can help the people who are the victims.

Amnesty International Newsletter
This monthly bulletin is a regular update on Amnesty International's work: reports of fact-finding missions, details of political prisoners, reliable reports of torture and executions. It is written—without political bias—for human rights activists throughout the world and is widely used by journalists, students, political leaders, doctors, lawyers and other professionals.

Amnesty International Report
This annual report is a country-by-country survey of Amnesty International's work to combat political imprisonment, torture and the death penalty throughout the world. In describing the organization's work, the report provides details of human rights abuses in over 100 countries. It is probably the most widely read—and most influential—of the many reports published by Amnesty International each year.

Please detach this form and return to the Amnesty International section in your country or to: Amnesty International Publications, 1 Easton Street, London WC1X 8DJ, United Kingdom.

I wish to subscribe to the Amnesty International Newsletter and enclose one year's subscription (£5.00, US$12.50).

I wish to subscribe to the monthly Amnesty International Newsletter and yearly Amnesty International Report and enclose one year's subscription (£10.00, US$25.00).

Please send me further details of Amnesty International Publications.

Name

Address