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# *amnesty international*

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## URUGUAY

### SUMMARY OF AI'S CONCERNS

### IN 1992

MARCH 1993

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**This document summarises Amnesty International's concerns in Uruguay over the past year. While recognising that the Uruguayan Government has taken steps intended to improve respect for human rights over the years, Amnesty International believes that there are still measures which must be taken to eradicate certain practices. Reports of human rights violations include cases of ill-treatment, and the lack of effective judicial investigations into past and recent human rights violations to bring to justice those responsible.**

#### **Treatment in custody**

New reports of ill-treatment by police of detainees suspected of common crimes were received in 1992, although these practices did not appear to be systematic. Of particular concern is the fact that a number of the victims were minors. In some cases, complaints were presented to the courts for investigation but to Amnesty International's knowledge, no one was brought to justice as a result. While Amnesty International was not in a position to confirm the facts of each case, it believes that investigations should be carried out to fully clarify the allegations and those responsible.

Beatings were the most common method of ill-treatment but other methods were also reported. For example, one man claimed that in order to make him confess to a murder he had not committed, he was deprived of food for three days. In August a 17-year-old mentally handicapped youth, shot in the leg as he attempted to flee from police, was reportedly beaten on the injured leg while in police custody. His leg was fractured in three places but it was said to be several hours before he received any medical treatment. A complaint was submitted to the courts, the outcome of which is not known. In September, a complaint was also submitted to the courts in the case of a 15-year-old youth, Diego Pereira, who allegedly had signs of beatings on his body when his mother went to fetch

him from a police station in Montevideo. Police said he had been detained by mistake. In another case, that of two 14-year-old youths, Andrés Nieves and Nicolás Jorge, arrested in Salto in mid-1992, the head of police gave a public commitment to investigate their allegations that they had been beaten in the chest and stomach by police.

Judicial investigations into other allegations of torture and ill-treatment received by Amnesty International also apparently resulted in little progress. In one case, reports suggest that two police agents were allowed to resume their duties even though judicial investigations into allegations that they had physically abused a suspect had not been completed. In April 1992, the UN Committee against Torture praised the government for its commitment to abide by its international human rights obligations but called on it "to prosecute cases of torture which were still outstanding." In November, the government ratified the Inter-American Convention to Prevent and Punish Torture.

### **Libertad prison**

Further attention was drawn to the issue of conditions in Libertad prison, Montevideo, (see *Amnesty International Report 1992*) in December when a national newspaper published photographs claiming to show four detainees chained to their beds in punishment cells. Members of the Human Rights Commission of the House of Representatives visited the prison to investigate these and other claims of ill-treatment. Although the commission said it was unable to confirm or deny whether the chaining had occurred, it cited allegations by prisoners that a group of prison guards, apparently acting without the authority of the prison director, were responsible for treating detainees harshly. It said that it had subsequently handed the guards' names over to the authorities. The commission also referred to poor conditions at the prison. During a discussion of the commission's findings, the Interior Minister acknowledged that excessive force - consisting of beatings and the use of teargas - had been used during an incident in the prison a few days before the publication of the photographs, but denied that the chaining of detainees was used as a form of punishment in the prison. Two prison officials were subsequently transferred to other posts, but the results of judicial investigations which were also initiated into these incidents had not been made public at the time of writing.

### **Update on case of Rafael Berón Charquero**

In its January 1992 report to the UN Committee against Torture, the government stated that information about the death of minor Rafael Berón Charquero in Miguelete prison (see *Amnesty International Report 1992* for further background) had been passed to the judicial authorities and that as a result of an administrative inquiry two special staff at the prison had been dismissed. It was not clear whether the courts initiated any investigations into the case. Lawyers acting on behalf of his family presented a civil suit for damages against the state which is currently pending.

### **Update on case of Raúl González**

In the case of Raúl González, shot dead by police in 1991 (see *Amnesty International Report 1992*), the state reportedly agreed to pay 35000 dollars damages to the family after recognizing that one of its employees had been responsible for his death. A police agent had been arrested and charged with the killing.

### **Human rights violations under the period of military rule**

Because of the 1986 Expiry Law no steps were taken to bring to justice those responsible for killings, "disappearances" and torture during the military government from 1973-1985. In October 1992, the Inter-American Commission on Human Rights resolved that the Expiry Law (See *Amnesty International Reports 1988-92*) was incompatible with the American Convention on Human Rights in that it violated *inter-alia* the right to a fair trial, and the right to court protection against acts that violate one's fundamental human rights. The commission included a recommendation that the government take measures to clarify the facts and identify those responsible for human rights violations during the period of military rule. The Uruguayan Government, together with that of Argentina, has requested a consultative opinion from the Inter-American Court challenging, *inter-alia*, the Inter-American Commission's authority to comment on internal legislation.

Towards the end of 1992 fresh evidence emerged of the collaboration between Uruguayan, Paraguayan, Chilean and Argentinian military intelligence units in the arrest, interrogation and "disappearance" of political detainees in the 1970s and early 1980s. Evidence of secret meetings, the exchange of intelligence information and collusion in the interrogation and transfer of detainees came to light following the discovery, in 1992 in Asunción, Paraguay, of archives belonging to the Paraguayan secret police under the rule of former president Stroessner. In February 1993, a Uruguayan deputy presented a formal complaint [*querrela*] to the Paraguayan courts requesting clarification of the fate of two Uruguayans, Nelson Santana and Gustavo Inzaurrealde, who were arrested and "disappeared" in Paraguay in 1977. Papers found in the archives indicate that a Uruguayan military intelligence official participated in their interrogation in Paraguay and that two months after their arrest, they were put on a military plane to Buenos Aires. It is not known what happened to the detainees after their transfer from Paraguay.

In another case related to the period of military rule, that of 15-year-old Simón Riquelo, a judge, in May 1992, ordered that a blood test should be carried out on him to ascertain whether he was the "disappeared" son of Sara Méndez. (See *Amnesty International Report 1992*). The case subsequently went to an appeal court after lawyers acting on behalf of the adoptive parents of the boy challenged the judge's decision to order the blood test against the boy's will. The judge had argued that under Uruguayan law a minor is not capable of acting "with mature judgement". To Amnesty International's knowledge, the appeal was still pending at the end of the year.

