

INTERNATIONAL COMMISSION OF JURISTS

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HUMAN RIGHTS IN URUGUAY

(March 1979 - February 1980)

1. Torture and ill-treatment of political prisoners

According to recent information, torture continues to be used by military interrogators. Torture methods have been improved. It is applied today in a more selective and "scientific" manner. Army and police torturers are assisted by physicians, whose task is to supervise the condition of the victim undergoing questioning. Not even prisoners who have stood trial and are serving a sentence are exempted from this aberrant practice. During 1979 there have been several reported cases of people withdrawn from their normal places of imprisonment to be questioned and tortured in military or police units to ascertain whether there was any form of political activity or evasion plans in detention centres. This entails a permanent state of distress and anxiety among the population of prisons, aware of the risk of being tortured again at any time.

2. Conditions of detention or imprisonment

Prisoners located in such military establishments as EMR 1 (Prison of Libertad, for men) and EMR 2 (Prison of Punta de Rieles, for women) endure extremely hard conditions. They are under a severe, dehumanized military system, with frequent disciplinary punishments for puerile reasons. Prisoners, particularly those deemed to be dangerous by the authorities, are subjected to serious harassment which has provoked the death of at least 16 prisoners, three of them in 1979*.

All prisoners, men and women alike, live under arbitrary rule. Thus, while those considered to be "dangerous" are not allowed to work, and spend 23 out of 24 hours confined in their cells, others carry the heavy burden of forced labour. No distinction is made between prisoners under trial and prisoners serving sentence. Forced labour does not form part of the penal sentence and no remuneration is paid for the work performed.

* Ana M. González Pieri, aged 26, imprisoned in EMR 2 since 1975. As a result of torture she caught asthmatic bronchitis. Despite this illness she was forced to do hard labour. Died in prison on 6.5.79.
Peter Lynch, teacher, 68. Suffered from a heart complaint but was forced to bathe in very cold water. This provoked a heart attack. Died in EMR 1 in August 1979.
Ruben Porteiro, 55, married, 2 children. Following torture, a kidney had to be partially removed. Sentenced to 8 years of imprisonment. Died in EMR 1 on 23.11.79 owing to lack of adequate medical care.
Héctor Gómez Lombardi, single, 40. Heart condition, resulting from ill-treatment. After 6 years of imprisonment in EMR 1 was released to die a few days later (in 1979).

3. Present number of political prisoners

The government has officially announced that there are approximately 1,600 political prisoners. However, lists made public omit numerous cases. According to information from reliable sources, the actual figure is in the order of 2,200 - 2,500 as of February 1980. It is still, therefore, a very high proportion of the country's population of 2,765,000 inhabitants.

4. Liberation of prisoners

In the course of 1979 a few hundred political prisoners were set free. This was not the result of a measure of amnesty or mercy, but of the elapse of time. Most of them were freed after serving jail sentences of an average of six years, an exorbitant amount of time in any case, considering that they were sentenced for such offences as criticism of the armed forces ("Vilipendio a las fuerzas armadas") distribution of clandestine political propaganda ("Asociación subversiva" or "Asistencia a la asociación subversiva") and other offences of the Military Penal Code. About 50 persons ordered to be freed by the military courts are still being kept in prison under article 168 subparagraph 17 of the Constitution ("Medidas prontas de seguridad"). According to this provision the Executive may, in exceptional circumstances, keep a detainee under administrative detention. In such cases an administrative sentence, of unlimited duration, is added to the sentence of the court.

Former prisoners thus live under the threat of being sent to prison again. As a rule, they are not allowed to follow university studies, nor are they permitted to work as civil servants or to teach; usually they also encounter difficulty in finding a job in the private sector. All this is due to the fact that they have a certificate describing them as having a "negative background".

Prisoners, or rather their families, have to pay very high sums of money for their "food, clothing and lodging costs in prison" and the costs of the legal proceedings. The daily tariff for being held in jail is now over 2 US dollars; for an average 6-year sentence, this totals \$ 4,380. At the minimum monthly earnings rate of \$ 75, nearly five years' earnings would be needed to meet this debt.

5. Military justice

Criminal proceedings within the military jurisdiction have been very slow; indeed, there are still several hundred prisoners who have not so far received their sentences, in spite of the fact that they have been jailed for seven or even eight years in protective custody awaiting trial. However, this delay is not due to any procedures to ensure the defence rights of the accused. The military judges tend to be officers lacking the necessary legal background, and the ability, free discernment and impartiality which are essential to pronounce judgment. Civilian defence lawyers have been persecuted, arrested, banished and subjected to innumerable harassments in order to force them to give up criminal defence work. In most cases a political prisoner is tried by a military officer who is not a lawyer, with a military prosecutor, who is an officer but not a lawyer and a third army officer, also not a lawyer, as advocate for the defence. Under such

conditions there is no way of securing the right to a fair trial. This situation has not improved in 1979.

6. "Forced disappearance" of opponents

Some cases of "disappearance" in Uruguay are still unresolved. Likewise, Uruguayan military and police commandos continue to operate in Argentine territory for the purpose of kidnapping, questioning, illegally deporting and sometimes murdering Uruguayan political opponents who have refugee status in Argentina. (In such circumstances 130 Uruguayan refugees have disappeared in Argentina, and many indications point to heavy responsibility of both countries' security services in these cases).

7. Institutional situation - State of emergency

From the institutional point of view, Uruguay continues to be ruled -uninterruptedly since 1968 - under emergency provisions, known as "prompt security measures" ("Medidas prontas de seguridad"). These amount to what elsewhere is called a "state of siege". These provisions, designed to be used only in exceptional circumstances and for short periods of time, are regulated by article 168, subparagraph 17, of the Constitution. It gives expanded powers to the Executive, which may thus control the freedom of persons, the rights of assembly and association and freedom of expression, and also, through misuse of these measures, financial, economic and educational matters. Since the forced dissolution of Parliament in June 1973, there is not a single body to control the use of emergency powers; this has led to a clear and notorious excess of power.

The political Constitution has lost its validity as the fundamental law of the country following the adoption, in the form of Decrees of the Executive, of the so-called Actos Institucionales (Institutional Acts, nine of them so far) which substantially modify several structural aspects of the State as well as fundamental rights. None of these amendments have been submitted to a plebiscite - a requirement set forth in the Constitution for any amendments to a Constitutional article.

In 1970 Uruguay ratified the International Covenant on Civil and Political Rights of 1966. Nevertheless, the military regime has never fulfilled its obligation under article 4 (3) to inform other States parties to this instrument of any suspension of fundamental rights. To this date, it has also not complied with article 40 (1). It should have submitted a report in 1977 on the manner in which the rights under the Covenant were being applied in Uruguay, but this has never been done.

8. Dismissal of civil servants

Institutional Acts Nos 7 and 8 of 27.6.77 and 1.7.77 are still fully effective. They provided a "legal" basis for the dismissal of several thousand civil servants, putting an end to the right to security of employment in the public sector. Not a single area of the Administration has been spared, be it education, public health, state trading and industrial corporations or the judiciary. These Acts established the means for the military authorities to carry out - and this is continuing in 1980 - a deep and thorough

"political and ideological purge" affecting all persons known to dissent from the country's present leadership or to have expressed marxist, progressive or democratic ideas in the past.

9. Freedom of expression - The Press

Any expressed political opposition, any manifestation of disagreement with the military leadership and any report on the violation of human rights are prevented under the severe censorship, and may lead to civil and criminal sanctions. There is a continuing lack of freedom of the press, radio and television. Fresh cases of closure affecting written and oral media have occurred in 1979 (adding to the 125 temporary or final closures of media ordered up to December 1978). Article 21 (a) of the Security of the State Act (Ley 14.068 de Seguridad del Estado y el Orden Interno) is still fully operational; it sanctions with up to two years' imprisonment:

"The malicious dissemination of false news which may either provoke public alarm, disturb public order, cause evident damage to the economic interests of the State or prejudice external or internal national credit".

10. Union rights

As regards union rights and freedoms, ILO Conventions Nos 87 and 98 on Freedom of Association and Collective Bargaining are still not respected. The ILO Committee on Freedom of Association has repeatedly called attention to this fact (its latest report is dated October 1979). After the dissolution of the Trade Union Congress (Convención Nacional de Trabajadores, CNT) representing 90% of the country's unions and about 400,000 workers, any sign of independent union activity or any attempt to keep the CNT alive have been and continue to be severely suppressed. A great number of union leaders are still in jail and many others have had to go into exile.

11. Political rights - Elections

In spite of a profusely publicized "plan for democratic restoration" and for the "holding of an election in November 1981", basic political rights continue to be suspended. All political activities are banned; 14 political parties and groups have been outlawed and the three remaining ones are subject to an absolute ban on all activities. To ignore this prohibition may imply long sentences of imprisonment under the Security of the State Act or long periods of detention under the "prompt security measures". In addition a different type of sanction is also applied, i.e. dismissal if the offender is a civil servant or a reduction of take-home pension in the case of a retired person. The government proposes to hold a Presidential election in November 1981 with a single candidate nominated by the only two parties which would be authorised ("Partido Colorado" and "Partido Blanco" (or "Nacional")); an essential prerequisite will be for this candidate to receive approval and endorsement from the "Junta de Comandantes en Jefe", the highest military authority in the country. All marxist and christian democrat groups and those which at any given time may have joined them for electoral purposes would be excluded from the process of "restoration". The election would be held against the background of the fully operational provisions of Institutional Act No. 4 of 1.9.76, which deprived over

10,000 citizens from widely different political sectors of their political rights for a period of 15 years.

In November 1979 the Partido Blanco (Nacional) publicly expressed its outright rejection of such an election, which it considered a parody. As a result, several Blanco leaders have been arrested and now face trial by military courts. Parties making up the left-wing coalition, "Frente Amplio", have not had any opportunity to express their views, since they are prohibited from carrying on any political activity. Frente Amplio's Presidential candidate in the last general election, held in 1971 - Mr. Líber Seregni, a retired General - was sentenced to 14 years of imprisonment in 1979, and this for purely political reasons.

Since 1973, when the National Parliament and the provincial councils (Juntas Departamentales) were dissolved, a "Consejo de Estado", whose members are designated by a government body controlled by high ranking military officers, has taken over the legislature.

12. The exile

Half a million Uruguayans live outside their country, either because they have been persecuted for their political activities or views or because there are no jobs, schools or university open to them. Not a single measure has been adopted to facilitate their return to the country; on the contrary, the government continues, as a political weapon, to refuse applications by exiles for the renewal of passports, which leaves them without documents.

13. Economic situation

The cost of living increased by 85% in 1979. The purchasing power of salaries and wages is now down to 45% of its value 10 years ago. In 1979 49% of the National Budget was devoted to police and armed forces expenditures, that is, mostly to internal repression. The national minimum salary level amounts to about 75 US dollars per month; the average monthly salary is approximately 100 US dollars. The increasing deterioration of the situation has been accompanied by a higher concentration of wealth in fewer hands and impoverishment of a large segment of the population.

14. Military control

Real power lies with the senior military commanders. In a great many State entities and government bodies a so-called "military presence" has become apparent. This is the case with such policy-making organs as the Consejo de la Nación (which includes high level military officers), Consejo de Seguridad Nacional, Junta de Comandantes en Jefe, Comisión Política de las Fuerzas Armadas, and the same ^{has} happened within the managing boards of state trading corporations, government industries, public utilities and provincial authorities (Intendencias Departamentales). That presence is supposed to be institutionalized through a new draft Constitution now being prepared. The "ideology of national security" provides an ideological basis for the regime and is embodied in Institutional Act No. 2 of 12.6.76.

Having regard to the above, and considering the period from March 1979 to February 1980, we conclude that, other than a reduction in the number of political prisoners due to the expiration of their sentences, no concrete facts or signs are to be found that would give ground for presuming an improvement of the human rights situation. On the contrary, there is every indication that there is a regime which continues to practice repeated and systematic violations of civil, political, economic, social and cultural rights. Internally, any action for the respect of fundamental rights, as well as any resistance to the regime, is virtually impossible given the scope and extent of military repression. That is why possible action by the international community takes first place as the most important means of protection for the victims of the situation and of bringing pressure to bear with a view to a genuine restoration of the rule of law and democracy.

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Geneva, February 1980