



# **AMNESTY INTERNATIONAL REPORT 1978**



Actions were initiated, appealing for the commutation of the death sentence due to be carried out in Alabama on 10 March 1978 on Johnny Harris, convicted of the murder of a prison guard in 1974. A week before the date set for execution, Brian Wrobel went to Alabama to look into the likelihood that the execution would actually take place in March and learned that the legal procedures had not yet been exhausted. While in Alabama, he met Johnny Harris himself, on Death Row in Holman Prison; he also met Mr Harris's lawyers and Governor George Wallace's legal adviser, to whom he explained Amnesty International's position on the death penalty. Mr Harris's case received particular attention because it might result in the second execution in the USA since 1967 (see *Amnesty International Report 1977*).

In June 1978, Amnesty International appealed to Norman A. Carlson, Director of the Federal Bureau of Prisons, for an independent investigation into allegations that prisoners in Lewisburg Penitentiary had been assaulted by prison guards in April. Also in June 1978, the organization asked Warden Oliver of Holman Prison in Alabama and Governor George Wallace of Alabama for an investigation into assaults by guards on prisoners in Holman Prison in April.

### *Uruguay (the Eastern Republic of)*

Uruguay has been under *de facto* military rule since 1973 when the armed forces took over control of the Government and the elected Parliament was dissolved. Power now lies with a complex structure of military institutions, although the civilian framework is maintained. Dr Aparicio Méndez was appointed President in September 1976 by the Council of the Nation, a body established by decree law—Institutional Act No. 2 (1976). This Act also vested the Council of the Nation with the authority to appoint both members of the Council of State, which in December 1973 replaced Parliament, and members of the Supreme Judicial Court.

Although, according to the Constitution, military justice is restricted to cases of "military crimes and to a state of war", any offence connected with political or trade union activities under the Law of National Security (1972) falls within military jurisdiction. In December 1975, the Council of State approved Law 14,493 which made the jurisdiction of military courts retroactive so that the Law of National Security might apply to civilians who had committed offences before it was passed. In July 1977, the independence of the judiciary was virtually abolished by Institutional Act No. 8. Thus, although the Constitution of 1967 has not been repealed, it is gradually being invalidated by such decree laws.

In this past year (July 1977–June 1978), Amnesty International has continued to be disturbed about several aspects of political imprisonment in Uruguay: the large number of prisoners of conscience; the lack of legal safeguards at the time of arrest; the long periods of detention incommunicado; the maltreatment and torture; military jurisdiction over civilians; the poor prison conditions, in particular the use of military barracks as detention centers.

In this past year there have been no amnesties of political prisoners in Uruguay and trials still proceed alarmingly slowly. Although the Uruguayan Government admits to holding over 2,300 political prisoners in penal institutions, this figure does not include the hundreds of prisoners held in military barracks and other

interrogation and torture centers throughout the country. The number of peaceful dissidents is inevitably high in Uruguay, where all political activity is prohibited, where political parties left of center and the national trade union movement are banned, and the news media are either closed down or strictly censored.

Amnesty International adoption groups are at present working for the release of, or investigating the cases of 296 political prisoners. One of these, General Liber Seregni, presidential candidate for the broad left-of-center coalition *Frente Amplio* in the 1971 elections, and adopted by Amnesty International in 1974, was charged with conspiracy and sentenced in 1978 to 14 years' imprisonment, although the prosecution had not asked for more than 11 years'. His case is not the only instance in Uruguay in which, under military justice, the judge has imposed a harsher sentence than that asked for by the prosecution.

Several prisoners charged with belonging to the Groups of Unifying Action (GAU), a body banned in December 1973, have been released in this past year when their sentences expired. One of them, the trade union leader and teacher Ricardo Vilaró, was freed by judicial order in April 1978. As soon as he was released from police headquarters in Montevideo, he was abducted by members of the naval unit, *Fusileros Navales*. Governments and Amnesty International intervened on his behalf. After two months in detention, on 1 June 1978 he was freed and allowed to travel to the Netherlands to join his wife and family.

Since 1973, members of professional and political organizations have in turn been subjected to political imprisonment. The persecution of trade unionists has steadily increased, and the arrest of members of the Communist Party (PCU), which began on a large scale at the end of 1975, has continued during the past year. Among the cases taken up by Amnesty International are those of recognized leaders of the PCU, such as its Secretary General, Jaime Pérez, and the former Deputy and prominent mathematician, José Luís Massera. Their cases have been taken up by the Inter-Parliamentary Union also. Other cases taken up by Amnesty International are those of trade unionists alleged to be supporters of the PCU, the majority of whom have been detained since the large-scale arrests of PCU supporters and members in 1975 and 1976.

The case of the lawyer, Mario dell'Acqua, an Amnesty International adoptee who had himself defended numerous political prisoners, was described in an Amnesty International document about imprisoned lawyers in Uruguay (published in March 1978). His arrest in 1976 coincided with the increased harassment of defence lawyers, which reached a peak during the past year. The Amnesty International document called for lawyers to intervene on behalf of their imprisoned colleagues, and described the difficult conditions under which defence counsel have to work in Uruguay: they are constantly suspected of helping their clients for political rather than professional reasons. Threats made against defence lawyers and their imprisonment or exile mean that virtually all political prisoners in Uruguay lack a defending counsel, apart from the one appointed by the state—normally a military officer. Following widespread international protests, six of the lawyers whose cases were included in the Amnesty International document were released, but to date they have not been allowed to take up their profession again.

In June 1977, on the anniversary of four years' military rule in Uruguay, Amnesty International, disturbed by the continuing lack of guarantees surrounding

arrests, cabled the Government and issued a press statement, expressing "profound regret that the Government is not using its authority to safeguard the most fundamental legal rights of its citizens". People are still arrested without warrant and held incommunicado for weeks or months, and their families are not even informed of their whereabouts.

In December 1977, Amnesty International again sent a cable and issued a press statement, urging the Government to "clarify the situation of 14 Uruguayan citizens, five of them women, arrested in early December 1977 and since then held in secret detention". They were all relatives or friends of prisoners of conscience adopted by Amnesty International and some had themselves been discovered in the Military Hospital in Montevideo, suffering from the effects of torture. All 14 have been taken up by Amnesty International adoption groups.

Because of the large number of political prisoners in Uruguay, military barracks as well as the normal prisons are used as detention centers, not only for prisoners being interrogated but also for those already on trial and under the authority of a military judge. In the June 1977 press release Amnesty International referred to conditions in the 1st Artillery Battalion where "prisoners are kept practically immobile and on a starvation diet". The prisoners include the journalists Ismael Weinberger and Rodolfo Porley, both of whom have been adopted by the organization.

The possibility of being illegally transferred to another detention center for further interrogation and maltreatment creates a climate of tension which has led to suicide attempts in the high security prison of Libertad (*Establecimiento Militar de Reclusión No. 1*). A case in point is that of Washington de Vargas Saccone on whose behalf Amnesty International has organized various appeals. In April 1978, this man, who was to have been released on 21 May 1978, was transferred from prison to the Military Hospital in Montevideo. The official explanation given to his relatives for this move was *crisis nerviosa* (nervous breakdown) as a result of attempted suicide. Amnesty International heard that before he was admitted to the Military Hospital, he had been taken from his prison cell to be interrogated and had been maltreated and possibly tortured. While he was in the Military Hospital, his family was not allowed to visit him. He is still in prison.

Another difficulty prisoners face when they are released, if they want to leave the country, is the paying of a considerable sum of money for the cost of their maintenance while in prison. During the past year, Amnesty International examined the somewhat conflicting information provided by Government representatives on this subject and is pursuing the matter with the authorities in relation to specific cases. Payment of prison costs is required by law but was rarely demanded in practice before the military takeover. Amnesty International has received numerous reports of prisoners having to pay up to 3.00 US dollars to cover the cost of each day spent in prison.

Some political prisoners in Uruguay are former refugees, abducted and forcibly returned to Uruguay by the joint action of Uruguayan and Argentinian security forces. During the past year, Amnesty International has investigated the situation of 62 people, said in a communiqué issued by the armed forces at the end of 1976 to have been arrested in Montevideo. The names of only 17 of them were given at the time. Fourteen were known to have been abducted in Argentina, and it was

believed that the others were also former refugees and that many "disappearances" of Uruguayans in Argentina could be explained by the publication of all 62 names. In a press statement in April 1978, Amnesty International referred to the "unspeakable anguish this uncertainty is causing the families of abducted persons who are still missing". In early May 1978, the organization received the first official list of the 62 people from the Uruguayan authorities. As individuals known to have been arrested at that time do not appear on it, Amnesty International is looking into the matter.

The most extreme reflection of the erosion of the rule of law in Uruguay during the past ten years has been death under torture. Although this has produced widespread international protest, torture continues to be used by the Combined Forces (Police and Military) as a method of interrogation and of systematic repression.

Moreover, no steps have been taken by the Uruguayan authorities to establish an independent commission of inquiry into the 22 cases of death under torture publicized by Amnesty International in 1976. In April 1978, the organization published a leaflet, *Uruguay: Deaths Under Torture 1975-77*, which includes an account of the cases of 12 people who died as a result of torture while in the custody of the Combined Forces. The leaflet points out how the sort of torture first inflicted on people suspected of being members of the violent opposition group, Movement for National Liberation (MLN) or *Tupamaros*, until that movement was crushed in the early 1970s, had, by 1975, become "routine treatment for virtually any peaceful opponent of the Government who fell into the hands of the military". One of the cases described in the leaflet is that of Hugo Pereyra, aged 54, a building worker and trade unionist. He died in August 1977 while in detention in a military barracks in Montevideo. His body, when delivered to his family, had various head injuries and a gash across the stomach. The Combined Forces said that the cause of his death was cerebral embolism.

The leaflet describes also five cases of people who disappeared following arrest by the military or the police. Among them is Julio Castro aged 68, a well-known educationalist, a UNESCO expert on literacy training and ex-Deputy Editor of the banned weekly paper, *Marcha*. At the time of his arrest (which the Government says never occurred) on 1 August 1977, he was suffering from a heart ailment. He has since disappeared without trace. Despite eye-witness accounts and circumstantial evidence which suggest that he was arrested, in 1978 the Government told Amnesty International that Castro and four others, who disappeared in 1975 and 1976, are wanted by the Combined Forces because of their political activities. It is generally believed that the five died in detention and that their bodies have been disposed of.

The case of Alvaro Balbi, who died under torture, was submitted by Amnesty International to the Inter-American Commission on Human Rights (IACHR) of the Organization of American States. In November 1977, the IACHR concluded that "the body of Alvaro Balbi showed outward clear marks of violence" and recommended to the Uruguayan Government that it "should organize a full and impartial investigation" and "punish those responsible" for the reported acts. Amnesty International also expressed its concern to the Uruguayan Government regarding the detention in a military unit and the alleged maltreatment of Sra. Miriam Vienes de Suarez Netto, who had cancer—diagnosed by the arresting naval

unit, *Fusileros Navales*. She died a few days after her release. In February 1978, Amnesty International sent a cable requesting a full and impartial investigation into the circumstances of the alleged suicide of Norma Cedrez in Punta Rieles. Through its membership, Amnesty International organized telegram actions on behalf of 19 other people reported either to be undergoing torture, to have disappeared after arrest, to be held incommunicado or to be seriously ill.

Amnesty International has continued to submit to the IACHR cases of people in Uruguay whose human or legal rights have been violated and to comment on the information provided by the Uruguayan Government on cases already submitted. During the past year, too, Amnesty International made a submission on Uruguay to the United Nations Commission on Human Rights (UNCHR), concerning people who had died under torture or "disappeared" after arrest. The UNCHR resolved at its February 1978 meeting in Geneva to keep Uruguay on the agenda and the situation there under review.

The Uruguayan Government still publicly claims that Amnesty International lacks impartiality and is not concerned about violations of human rights in communist countries, and that it considers the organization responsible for an international "slander campaign" against Uruguay. However, direct talks between Amnesty International and the Uruguayan Government were re-established during the past year through the Uruguayan Embassy in London.

Amnesty International is far from alone in its criticism of the human rights situation in Uruguay. During the past year, the international community, governments and non-governmental bodies alike, has spoken out against that Government's infringement of the human rights of its citizens. In December 1977, through their ambassadors in Montevideo, the member nations of the European Community condemned the violations of human rights in Uruguay. In January 1978, the member states of the Organization of American States (OAS) voted against holding its General Assembly in Montevideo on the grounds of human rights issues and the Government's failure to co-operate with the IACHR. In June 1978, having failed to reach an agreement with the Uruguayan Government on an investigation *in loco*, the Inter-American Commission on Human Rights presented a critical report to the General Assembly of the OAS.

## Venezuela

Since Carlos Andres Perez was elected President in 1974 (he was the *Accion Democratica* candidate), the Government has taken steps to promote human rights regionally and internationally by strongly supporting the Inter-American Commission on Human Rights. In July 1977, the Venezuelan Executive signed the American Convention on Human Rights, which was later ratified by the legislature in early 1978. Nevertheless, there is cause for concern as regards human rights in Venezuela itself, and frequent press reports and other information on human rights issues are sent to Amnesty International from Venezuela.

The organization has for several years been disturbed by the application of martial law (the Military Code of Justice) to civilians charged before the military courts with crimes against the security of the state. Although Amnesty International has publicized this situation since 1974, the situation does not appear to have improved. There are estimated to be 85 civilians now in detention who have