

it was not pronouncing on the guilt or innocence of Johnny Spain, but was concerned that: "... particularly in cases with political overtones, the fairness of the trial should be beyond reproach." Points of concern mentioned in the letter were the shackling of Johnny Spain throughout the trial and a juror's conversations with the trial judge. The petition to the California Supreme Court for Johnny Spain's appeal to be heard was denied.

A special study was completed of several cases of American Indians and Blacks who alleged that their prosecution on criminal charges was politically motivated. The report examined cases of political activists who were the targets of domestic intelligence programs and who alleged that there had been irregularities in the bringing of prosecutions against them. The report was scheduled for publication later in 1981.

In addition to this study Amnesty International investigated many cases of prisoners who maintained that although convicted on criminal charges, the real reason for their imprisonment was political, but no new prisoners of conscience were adopted during the year. Amnesty International continued to urge the authorities to grant Gary Tyler and Elmer "Geronimo" Pratt new trials or to release them (see *Amnesty International Report 1980*).



Uruguay

Amnesty International's concerns were the large number of prisoners of conscience; prison conditions which fell short of internationally recognized standards; the lack of legal safeguards for detainees; torture; and the trial of civilians before military tribunals whose procedures did not conform to recognized standards for a fair trial.

A plebiscite on a new constitution was held on 30 November 1980. Amnesty International was concerned

that the proposed constitution would legitimize practices which have encouraged human rights violations in recent years, such as the lack of an independent judiciary and the wide powers of the armed forces, and further erode the legal safeguards in the previous (1967) constitution.

The new constitution was drafted by the Political Commission of the Armed Forces (COMASPO) in secrecy. In June 1980 a number of politicians who had called for political parties to be included in the constitutional process were arrested and briefly detained. The three political parties concerned, the traditional *Blanco* (National) and *Colorado* parties and the Christian Democratic party, were banned from political activity in 1973 for 15 years. Around 57 per cent of the electorate voted against the new constitution despite the fact that military officials had made it clear that a "no" vote would be interpreted as support for the government's measures and would delay plans to restore limited democracy.

There were over 1,200 political prisoners in Uruguay. A number of prisoners were released during the year, either on expiry of their sentences or in some cases shortly before, including more than 40 prisoners on whose behalf Amnesty International had worked. Approximately 350 prisoners have been adopted as prisoners of conscience or were being investigated by Amnesty International.

In August 1980 Amnesty International interviewed Hugo Walter Garcia Rivas, a former private in the army who had sought refuge in Europe earlier in the year. Hugo Garcia testified that he had been made to study torture techniques as part of his training in the Counter Intelligence Company of the army in Montevideo. In the classes prisoners were used for demonstrations and students practised torture on them. Hugo Garcia had taken part in the torture of detainees to gain information. He had been present at the interrogation and torture of Humberto Pascarella, a trade unionist who died in custody in June 1977 shortly after his arrest. Hugo Garcia also testified to Amnesty International that he had taken part in the kidnapping in Brazil of Lilian Celiberti and Universindo Rodríguez Díaz in November 1978. He reported that the Brazilian and Uruguayan security forces had cooperated in taking Lilian Celiberti, Universindo Rodríguez and Lilian's young children from their flat in Porto Alegre, Brazil and transferring them across the border to Uruguay. Lilian Celiberti and Universindo Rodríguez were later accused of entering Uruguay with illegal material and were sentenced to prison. They have been adopted by Amnesty International as prisoners of conscience.

The extent of torture was confirmed by Daniel Rey Piuma, a former naval rating who sought refuge in Europe in October 1980. He has publicly stated that he witnessed the torture of prisoners by the navy and that doctors were present.

Amnesty International issued 22 urgent appeals during the year. Most concerned prisoners who were seriously ill, or who had been removed from prison to unknown destinations. Amnesty International received persistent reports of deteriorating conditions in the *Penal de*

Libertad, the main military prison for men, officially called *Establecimiento Militar de Reclusión no. 1* and in the *Penal de Punta de Rieles*, the main military prison for women, officially named *Establecimiento Militar de Reclusión no. 2*. In particular, Amnesty International has been concerned at reports of increased harassment. Several prisoners are reported to have been held in solitary confinement and others to have been removed from prison. Between 26 and 30 November 1980 a number of prisoners in the *Penal de Libertad* staged a hunger-strike in protest against the harsh conditions.

One of the prisoners taken from the *Penal de Libertad* was Mario Alberto Teti Izquierdo, who was removed at the end of September 1980 after being held in isolation for one month. His whereabouts remained unknown. In April 1981 Amnesty International learned that new trial proceedings were being opened against him. José Félix Martínez Salgueiro, in prison since March 1971, and believed to be the longest serving prisoner of conscience in Uruguay, was serving a sentence of 15 years plus three to seven years' security measures, which meant that he was not entitled to apply for release on parole and had to spend between 18 and 22 years in prison. He faced a new accusation: he was alleged to have used violence against an armed prison guard who was forcing him to change cells, which would have meant his sharing a cell with a mentally ill prisoner. Amnesty International took a serious view of the initiation of new trial proceedings against prisoners, which meant that prisoners could be kept in detention indefinitely.

Amnesty International medical groups have appealed to the Uruguayan authorities on behalf of ill prisoners who were denied adequate medical attention. Gladys Yáñez, who had been adopted by Amnesty International as a prisoner of conscience, died in custody in September 1980, having suffered from a serious kidney disease. With specialized medical care her life might have been saved.

Other deaths of prisoners in custody have occurred in suspicious circumstances. Jorge Antonio Dabó Rebelo, a former long-distance swimmer of about 40, was said by officials to have died of a heart complaint. Other sources have claimed that his body bore marks of torture. Hugo Dermit, a student, had completed his eight-year sentence and was preparing for release when, according to the authorities, he committed suicide.

In December 1980 three prisoners serving sentences in the *Penal de Libertad*, Raúl Martínez, Orlando Pereira and Conrado Giurkovitz, three other prisoners who had been released earlier and were rearrested in December 1980, and several relatives of prisoners in the *Penal de Libertad* were accused of an alleged plot against the government. Teresa Gómez, a medical professor, was arrested on her return

from the Peace and Justice Service in Argentina. Her husband, Jorge Voituret Pazos, has been held in the *Penal de Libertad* since April 1975 serving a sentence for "subversive association". Stela González, wife of prisoner Julio Fregeiro, was arrested on 26 November 1980. She had been active in denouncing conditions for her husband and other prisoners in the *Penal de Libertad*, and was accused of participation in the plot. Also detained was Guillermo Dermitt, a 28-year-old doctor and brother of Hugo Dermitt who was reported to have committed suicide around the time of his brother's arrest. Amnesty International expressed concern about the treatment of these prisoners.

Amnesty International submitted information on Uruguay to the Secretary-General of the United Nations under the procedure set up to consider "a consistent pattern of gross violations of human rights".

The Human Rights Committee established under the International Covenant on Civil and Political Rights took decisions on several Uruguayan cases. The Uruguayan Government was declared responsible for a number of violations of the covenant, including torture. For example in the case of adopted prisoner of conscience Ismael Weinberger Weisz the committee resolved in December 1980 that the covenant had been violated and declared that the government was "under an obligation to provide the victim with effective remedies including his immediate release . . ." Alberto Grille Motta, who was living in exile, named several torturers and interrogators whom he alleged took part in his interrogation, in evidence to the committee. These allegations have not been investigated by the Uruguayan authorities. The covenant obliges governments to submit a report within one year of its coming into force. Uruguay's report was due in 1977 but has not yet been produced despite a number of requests from the committee.

Amnesty International outlined its concerns in Uruguay to the General Assembly of the Organization of American States which met in Washington between 19 and 28 November 1980.