

Sostre had again been assaulted by prison guards for refusing to submit to rectal searches. An AI observer was also present in February 1975 at Mr Sostre's trial--arising from his refusal to submit to rectal searches--on charges of assaulting prison guards. He was found guilty, but at the time of writing has not been sentenced.

The Chairman of AI's International Executive Committee, Dirk Börner, discussed the Sostre case with the legal counsellor of the Governor of New York State and in a letter address to Governor Hugh Carey on 14 April 1975 Mr Börner argued that "... any reasonable person placed in possession of the facts of this case is bound to feel that a serious miscarriage of justice has occurred".

On 10-11 December 1974, an AI observer attended the hearing in North Carolina of the petitions of three AI-adopted prisoners, James Earl Grant Jr, Charles Parker and T.J. Reddy (known as "The Charlotte Three") in which they sought an order setting aside their convictions on a charge of arson (see *AI Annual Report 1973-74*), but there has been an extraordinary delay in the handing down of a decision by the judge in this case and at the time of writing no judgment has yet been delivered.

During the past year many appeals have been made to state authorities regarding the passing of death sentences, including one passed in the State of Florida on a 15-year-old boy.

AI groups are working on behalf of seven prisoners in the United States.

### *Uruguay*

The combined mission to Uruguay of the International Commission of Jurists and Amnesty International in May 1974 concluded that political detainees lacked legal protection and were systematically tortured during the first period following their arrest. The delegation discussed these questions with the Uruguayan authorities and made specific recommendations as to how to improve legal safeguards and avoid the occurrence of maltreatment.

During the past year, AI has not been able to note any improvements in this respect. On the contrary, maltreatment has been extended to those categories of detainees who earlier enjoyed reasonably correct conditions of detention in the roofed sports stadium *El Cilindro* in Montevideo. Persons detained there represent the peaceful opposition, not suspected of subversion, and held for comparatively short periods of untried detention. Trade unionists, journalists, and politicians were amongst them. Gradually, there were more and more incidents of such prisoners being taken to military barracks, where torture has become routine practice.

AI appealed to the authorities on many occasions during the past year to respect humanitarian and legal norms of conduct towards detainees. One appeal concerned the case of the trade unionist Alcides Lanza, who was severely tortured before being returned to *El Cilindro*; another appeal related to four dockworkers. Several other urgent steps have been taken in an attempt to protect detainees from maltreatment as early as possible after arrest. One trade unionist, detained earlier, was reported to have died some time after his release as a result of torture.

The political conflicts have further sharpened during the past year and the government's attempts to extend severe political control over all aspects of

society has increased the imprisonment of peaceful dissenters and, consequently, created a large number of prisoners of conscience. The curb on trade union freedom, the "oath of democratic faith" imposed on teachers and civil servants, whereby they swear never to have belonged to any of the now banned parties or organizations, the "administrative investigations" into teachers' political past, the curb on press freedom and the closure of journals are examples of government interventions in the national and political life that create prisoners of conscience — a group which, in Uruguay, represents a broad spectrum of the left. All dissent is interpreted as being part of an international Marxist conspiracy. President Juan Maria Bordaberry has even accused the United Nations of being a Marxist-dominated body.

The pattern of comparatively short detention, to which AI's traditional adoption method is unsuited, has largely remained. National sections, therefore, have been provided with information on "situations" of arrests among, for example, trade unionists, university teachers and students, and have been asked to take action on their behalf. The Research Department regularly provides national and international professional bodies with such information.

Detention procedures have remained highly unsatisfactory throughout the year, and AI has issued several news releases on waves of arrest during which maltreatment has occurred. The latest was in April 1975, when the secondary school teachers' union was closed and several teachers and active members of this union were arrested. The same statement reported on the detention incomunicado of a group of students, between 14 and 17 years of age, and on the inability of the families even to locate the place of detention of another group of prisoners.

AI groups are currently working for over 60 cases, among them a group of 25 belonging to a political group, *Grupos de Accion Unificadora* (GAU), which was legal until all political parties and groups left of center were banned at the end of 1973. The ostensible reason for their arrest was a bomb incident in which a student belonging to that group was killed. Although it has not even been satisfactorily established that the student himself knew of the bomb, the whole group is being tried under the concept of guilt by association.

Previously, the Communist Party, although banned, had not been a specific target, except for its top leadership. Its secretary general, Rodney Arismendi (who featured in the November 1974 Prisoners of the Month Campaign), was released in January 1975 in exchange for exile. His successor is in detention, as is the secretary general of the Communist Party youth branch. In the beginning of 1975, many members of the Communist Party were arrested, to be released later. Eduardo Viera, an elderly ex-deputy, was indicted for an alleged "attack on the morale of the armed forces" in April 1975.

The sensitivity to criticism of the military *de facto* rulers of the country is illustrated by the increasingly common charge of "attack on the morale of the armed forces", usually meaning criticism by the political opposition of the role of the armed forces and their policies. Several such cases are currently under adoption or investigation by AI groups.

Liber Seregni, the presidential candidate of the leftwing coalition *Frente Amplio*, was released, as was his colleague, Colonel Carlos Zufriategui, whereas

General Victor Licandro remains in detention. Also imprisoned is Winston Nelson Marra, author of the short story that last year caused the suspension and subsequent closure of the prestigious weekly *Marcha* and the detention for several months of the literary jury and the editors of the magazine.

Much international attention has been aroused by the fact that prisoners under judicial process are removed – in violation of the prison regulations – from their prison to military barracks throughout the country. There are individual instances, but the two best known groups consist of leading members of the urban guerrilla movement, the National Liberation Movement (MLN) – Tupamaros. Secretary General Martin Ennals replied to President Bordaberry's public statement that all prisoners were detained in proper penal establishments by suggesting that facilities be provided for jurists to visit the prisoners in question, thereby putting an end to adverse international publicity.

In 1974, there was an attempt by prominent jurists and other personalities to form an independent commission for the defence of human rights. The attempt failed on the grounds that there already existed such a commission within the Council of State, the 25-member body that has replaced Parliament. Although AI frequently uses this channel for lodging complaints about infringements of human rights, it is clear that this body, appointed by the Executive Power, cannot have the independence to protect citizens against abuse of authority, in the same way as the military official (*juez sumariante*) appointed by his superior officers to investigate the case of a political suspect cannot have the independence of a civilian judge exercising his function within a system of separation of powers.

### *Venezuela*

Amnesty International groups are at present investigating two cases in Venezuela. Both are peasants detained for alleged collaboration with guerrilla groups; both are held under military justice. Three peasants adopted in 1973 were released in late 1974 after AI adoption groups exchanged cables and letters with Venezuelan officials, including President Carlos Andrés Pérez who took office in March 1974. The released prisoners had been held without trial under military law, charged with military rebellion. One of the three, Simón José Gil, was detained in January 1969, and released after almost five years' detention without trial.

AI has received considerable information on torture and maltreatment in Venezuela prior to 1974, but there have been no more recent allegations.

In November 1974 AI received information on over 100 prisoners held in Venezuela for political reasons. Most are held for alleged guerrilla activity. Almost all of these prisoners are held under military justice, charged with military rebellion, and were detained between 1968 and 1973. Many alleged severe torture by both military and civilian security agencies. Only a small percentage have been tried. A number of political prisoners sentenced to long prison terms for military rebellion were released in early 1975.