

EUROPEAN PARLIAMENT

Working Documents

1980 - 1981

7 January 1981

DOC. 1-693/80

REPORT

drawn up on behalf of the
Political Affairs Committee
on the/violation of human rights in Uruguay

Rapporteur: Mrs. I. VAN DEN HEUVEL

The European Parliament referred the following motions for resolutions to its Political Affairs Committee:

- On 5 November 1979, the motion for a resolution tabled by Mr Glinne, Mrs Lizin, Mr Boyes, Mr Caborn and Mr Cohen on behalf of the Socialist Group on the situation in Uruguay (Doc. 1-453/79); (this motion for a resolution was also referred to the Committee on External Economic Relations for an opinion)
- on 14 January 1980, the motion for a resolution tabled by Mr Rumor, Mr Klepsch, Mrs Cassanmagnago-Cerretti, Mr Vergeer, Mr Diligent, Mr Herman, Mr Fischbach and Mr Ryan on behalf of the Group of the European People's Party on the situation in Uruguay (Doc. 1-645/79);
- on 19 September 1980, the motion for a resolution tabled by Mr Capanna on the violation of human rights in Uruguay and on the fate of Raul Sendic and eight other Uruguayan freedom fighters (Doc. 1-420/80).

At its meeting of 23 January 1980 the Political Affairs Committee appointed Mrs van den HEUVEL rapporteur.

The Political Affairs Committee considered this motion for a resolution at its meetings of 20-22 October 1980 and 26-28 November 1980 and at the latter meeting it was adopted by 16 votes to one with three abstentions.

Present: Lord Bethell, vice-chairman and acting chairman; Mr Haagerup, vice-chairman; Mrs van den Heuvel, rapporteur; Mrs Baduel-Glorioso (deputizing for Mr Berlinguer), Mr Beyer de Ryke (deputizing for Mr Bettiza), Mrs Cassanmagnago-Cerretti, Mr Denis (deputizing for Mr Marchais), Mr Deschamps (deputizing for Mr Tindemans), Lady Elles, Mr Fergusson, Mr Forth (deputizing for Mr Scott-Hopkins), Mr B. Friedrich, Mr Habsburg, Mr Hänsch, Mr Israel (deputizing for Mr de la Malène), Mr C. Jackson, Mr Klepsch, Mr van Minnen (deputizing for Mr Brandt), Mr Penders, Mr Prag (deputizing for Sir John Stewart-Clark), Mr Radoux (deputizing for Mr Cariglia), Mr Schall (deputizing for Mr von Hassel), Mr Segre and Mr Zagari.

The opinion of the Committee on External Economic Relations is attached.

C O N T E N T S

	<u>Page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	7

Opinion of the Committee on External Economic Relations on the motion for a resolution.....	21
--	----

ANNEXES

I. MOTION FOR A RESOLUTION tabled by Mr Glinne, Mrs Lizin, Mr Boyes, Mr Caborn and Mr Cohen on behalf of the Socialist Group, on the situation in Uruguay (Doc.1-453/79)	26
II. MOTION FOR A RESOLUTION tabled by Mr Amor, Mr Klepsch, Mrs Cassanmagnago-Cerretti, Mr Vergeer, Mr Diligent, Mr Herman, Mr Fischbach and Mr Ryan on behalf of the Group of the European People's Party (Christian-Democratic Group) on the situation in Uruguay (Doc. 1-645/79).....	27
III. MOTION FOR A RESOLUTION tabled by Mr Capanna on the violation of human rights in Uruguay and on the fate of Raul Sendic and eight other Uruguayan freedom fighters (Doc. 1-420/80)	28
IV. PETITION No. 26/78 by Mrs Felicia Reverdito and Mrs Haas on behalf of the Uruguan Women's Coordinating Committee	30
V. PETITION No. 44/79 by Amnesty International, Italian Section, Varese Group	32

The Political Affairs Committee hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

on the violation of human rights in Uruguay

The European Parliament,

- having regard to Petition No. 26/78 from Mrs Felicia Reverdito and Mrs Haas on behalf of the Uruguayan women's coordinating committee,
 - having regard to Petition No. 44/79 by Amnesty International, Italian Section, Varese Group,
 - having regard to the reports of the International Secretariat of Lawyers for amnesty in Uruguay (Sijau), Amnesty International and the Human Rights Committee of the Organization of American States,
 - having regard to the declarations of the United Nations, the International Red Cross and the Senates of the United States and Venezuela,
 - recalling that until the early 1960's Uruguay was a model of democratic government for Latin America as a whole,
 - having regard to the motions for resolutions on the situation in Uruguay (Docs. 1-453/79 and 1-645/79) and on the violation of human rights in Uruguay and the fate of RAUL SENDIC and eight other Uruguayan freedom fighters (Doc. 1-420/80),
 - having regard to its resolution of 21 November 1980 on the referendum in Uruguay (Doc. 1-607/80),
 - having regard to the report of the Political Affairs Committee and the opinion of the Committee on External Economic Relations (Doc. 1-693/80),
1. Whereas
- there is absolutely no political and trade union freedom in Uruguay,
 - the situation of large numbers of political prisoners is totally unacceptable,
 - torture is commonplace in Uruguay and has now become an end in itself;

2. Expresses its deep sense of outrage at this and reaffirms the solidarity of Community citizens with everyone suffering because of the violation of human rights;
3. Considers that there is an urgent need for an independent international enquiry as has been proposed by the International Red Cross;
4. Requests the Foreign Ministers meeting in political cooperation to take suitable joint measures, both through diplomatic channels and in the United Nations, to improve the situation of the people of Uruguay and to make strong protests to the Government of Uruguay concerning the violation of human rights. Every opportunity should be used to reiterate this protest should other cases recur;
5. Appeals to the Governments of the Member States immediately to cease all participation in the supply of weapons to the Uruguayan regime;
6. Instructs its President to forward this resolution to the Governments of the Member States and to the Foreign Ministers meeting in political cooperation.

EXPLANATORY STATEMENTIntroduction

On 31 October 1979, Mr Glinne, Mr Boyes, Mr Caborn and Mrs Lizin tabled a motion for a resolution on the situation in Uruguay, which pointed out that, while the Uruguayan regime was endeavouring to legitimize its power, 'repressive measures against political, social, cultural, scientific and religious organizations' had intensified. (Doc. 1-453/79).

This was not the first time that the European Parliament had concerned itself with the situation in Uruguay.

The rapporteur also referred, for the purpose of this report, to Petition No. 26/78 by Mrs Felicia Reverdito and Mrs Haas on behalf of the Uruguayan Women's Coordinating Committee.

The amount of material available for this report was overwhelming: reports of the International Secretariat of Jurists for Amnesty in Uruguay (SIJAU), Amnesty International, the International Labour Organization (ILO) and the Inter-American Commission on Human Rights of the OAS, as well as declarations by, inter alia, the United Nations, the International Red Cross, the Senate of Venezuela and the United States Senate. The rapporteur also drew from the report produced annually by the American State Department for the Foreign Affairs Committee of the House of Representatives and the Senate and from information provided by the Uruguay committees in various Member States.

Uruguay

Uruguay lies on the east coast of South America, bounded by Brazil and Argentina. It has an area of around 177,000 sq.km., i.e. about five-and-a-half times the size of the Netherlands. It is difficult to determine the size of its population. In 1973, the population of Uruguay was put at about 3,000,000. However, some 700,000 people left the country in 1973, and the population is now estimated at around 2,500,000. Most Uruguayans (around 80%) live in the cities. Large areas of the country are virtually uninhabited. The capital, Montevideo, on the Rio de la Plata, is by far the largest city, containing 45% of the population. It is also the centre of government, the meeting point of the main international highways and has an international port.

Almost the whole country is lowland with no mountainous areas to speak of. The lowland is mostly covered with prairie grass, and therefore the principal means of existence is stock raising, particularly cattle and sheep. There is little arable farming and only 8% of the cultivable land is actually used. There is no exploitation of natural resources and no strong industrial base. The economic structure is one-sided.

The people of Uruguay are predominantly European in origin, most of them descendants of Spanish and Italian immigrants. The original Indian population is almost extinct, pushed out by the white colonists. *Mestizos* (of mixed white and Indian descent) are still to be found in a few places, and there are also some Negroes and Mulattoes (of mixed negro and white descent).

History

Unlike many states of South and Central America, Uruguay had a relatively untroubled political history until the 1950's. Of all the Latin American countries it preserved democracy and the stability of its government structure the longest. Every citizen enjoyed freedom of expression and human rights were respected. The Armed Forces did not interfere in politics and confined themselves to their appointed duties.

Until the 1950's, there was, in addition to this favourable political climate, a genuine social and economic development in Uruguay. Earnings from its traditional export products were very high. Wool and beef were selling well on the world market and these export earnings benefited a large section of the population.

During the first part of this century, social welfare and working conditions were improved, health care programmes were organized and basic education was free. Uruguay had its own form of social-democracy, although admittedly the large landowners remained. At the same time, export earnings made it possible to build up domestic industry. This industry thrived particularly during the Korean war and the Second World War, while to some extent gearing itself to import substitution. After the end of the Korean war, the world commodity markets collapsed, which for Uruguay meant a sharp drop in its earnings from wool and meat exports. National industry was now forced to compete with the rich countries. Cattle production, which had kept the economy afloat, fell behind internationally due to the lack of innovation and failure to carry out land reform. This decline in exports meant that the government had to resort more and more frequently to borrowing in order to pay its import bill.

These adverse economic developments led to protests from the populace. A national trade union was formed in 1966 and a number of left-wing political parties united within the Frente Amplio (Broad Front).

A left-wing group, the Tupamaros, organized various protest campaigns, described by the US State Department¹ as 'urban terrorism by the Tupamaros, a Marxist-oriented group'.

The government of Pacheco Areco (1967-1971) was quick to react with harsh measures: for the first time newspapers and periodicals were banned, notably the newspaper 'Epoca' and the weekly magazine 'El Sol', which published an article signed by six left-wing organizations setting out a revolutionary programme.

Words such as subversive, terrorists, political prisoners and ideological delinquents were no longer allowed to be used when referring to the Tupamaros. The newspaper 'Ya' which thereafter referred to them as the 'unnameables' was finally banned on 15 February, 1971.

The Tupamaros used violent methods. The lengthy imprisonment of Mr Jackson, the United Kingdom's ambassador, clearly demonstrates this.

The Socialist Party of Uruguay was the first political party to be banned; strikes were countered by the declaration of a state of emergency. In 1972, strikes to protest against the escalating cost of living, rising at a rate of 94.7%, were brutally crushed.

In the meantime, legislation had also been adapted to the situation: In early 1972 a National Security Law was passed. This law and subsequent legalisation suspended or curbed individual liberties, expanded police and military courts, although the Constitution still provided a civil rights watchdog role for the Congress.

Increasing disagreement between the Legislative Branch and the Armed Forces over the conduct of the anti-terrorist campaign (which included disappearances, torture and arbitrary arrests) and consequent pressure from the military led to closure of the elected Congress in June, 1973. The trend after June 1973 was toward de facto military rule.

On 12 June 1976, President Bordaberry, who had been constitutionally elected and ruled by decree in collaboration with the military authorities, was deposed in a coup d'état. A new civilian president was appointed by the military.

'The period since 1975-1976' according to a report by the American State Department¹, 'has been marked by suppression of political activities, de facto suspension of political parties, 'proscription' of hundreds of political leaders, severe restriction of freedom of expression, loss of independence of the judiciary, and intimidation of the legal profession. There have been large numbers of detentions on political grounds, and until recently, torture and other forms of mistreatment of political detainees during interrogation'. In August 1977, it was promised that constitutional rights would be restored by 1981, although an important role would still be reserved for the Armed Forces. Although the State Department¹ said, 'it is not yet clear whether more than a single presidential candidate will be permitted', it was apparent from other sources that the still existent Christian-Democratic Party, in particular, was extremely sceptical about

the election promises, and were unable to accept a system under which only one presidential candidate would be permitted to stand for the 1981 elections and an undertaking that both parties would be able to put forward an (officially approved) candidate in 1986.

The situation at present

The American State Department¹ detects some improvement in the situation during 1979.

'Although the authoritarian system remained in place, during 1979 there was a notable decline in substantiated reports of new political arrests and instances of prisoner mistreatment. Continuing prisoner releases, the majority before completion of sentence, coupled with a reduction in new arrests, resulted in a decrease in the overall number of political prisoners from about 1,900 to 1,500. These figures include at least 300 convicted of violent crimes. Nonetheless, Uruguay still has a high per capita ratio of political detainees to general population'. This slight improvement has been confirmed by reports from Amnesty International². At the same time, however, the actual situation is so appalling as to make the conclusions drawn by this organization seem to say the least, optimistic.

Since 1971 when political imprisonment began to take place on a larger scale in Uruguay, the number of political prisoners has varied from a few hundred to 5,000-6,000 and, according to exile sources, has even reached 8,000. In 1976, Amnesty International estimated that 1 in every 500 citizens in Uruguay was in prison for political reasons and that 1 in every 50 citizens had been through a period of imprisonment, which for many included interrogation and torture. These figures reflected the frequency of short-term detention without trial of trade union activists and the numerous arrests made during 1975/76, mainly of members of supporters of the Uruguayan Communist Party. In 1979, according to Amnesty International's records, between 2,500 and 2,800 prisoners of conscience and other political prisoners are being held in the various military and civilian prison establishments and military barracks used as places of detention. This still means that one in every 1,000 citizens is a political prisoner, without taking into account the approximately 500,000 Uruguayans who have gone into exile, or all those who, in 1978 and 1979, continued to be arrested for short terms, interrogated and tortured in some military barracks without being charged or tried, or entered in any judicial register. Amnesty International has recorded many such cases but the available information is not complete enough for reliable statistics. The figure does not include those over 100 Uruguayan citizens who in the past 5 years have 'disappeared' after arrest either in Uruguay itself or in neighbouring Argentina'.

When using the word 'prison' it is important to realize that the places where prisoners are detained differ widely. In Uruguay, there are four 'actual' prisons used for the detention of political prisoners: Libertad (male political prisoners), Punta de Rielén (female political prisoners), Punta Carretas (male civilian and political prisoners) and Cabildo (female civilian and political prisoners). Many other detainees are locked up in army barracks, covered stadiums, schools, goods depots, huts and so on.

A prisoner spends the initial period in an interrogation centre or in a military barracks. This is usually the worst period. It can vary in length from three months to, sometimes, one year. The vast majority of prisoners are held 'incommunicado' during this stage and they are also regularly tortured. According to testimonies submitted to Amnesty International, inter alia by First Lieutenant J.C. Cooper³, torture is becoming more and more an end in itself and increasingly cruel methods are being used.

A report by the International Organization of Jurists for Amnesty in Uruguay (SIJAU)⁶ reveals what happens at a training institute in Montevideo, where agents from the secret services of Guatemala, El Salvador, Costa Rica and Paraguay are trained in special techniques and torture.

The SIJAU bases this report on the testimonies of a former 'pupil' of this school, a 23 year old ex-officer Hugo Garci Rivas, who admits among other things to having been involved under the direction of two instructors in the torturing of a worker from a paper factory suspected of sabotage. This man was tortured for a week-and-a-half until finally he died.

During the second stage of detention the prisoner remains in a more permanent location. For this purpose, proper prisons or barracks are used, for the most part in and around the capital, Montevideo. Here, the process of breaking down, begun in the interrogation centre, is continued albeit using less cruel methods. The prisoner is forced to live under inhuman conditions, cut off from the outside world. He or she is completely dependent on the decisions of his or her guards, and is severely punished for the slightest infringement of prison regulations.

The methods of punishment are designed to suppress all political ideas that deviate from the government line. All possible means are used to make the prisoners forget who they were by destroying them physically, psychically and morally.

The International Organization of Jurists for Amnesty in Uruguay has the following to say⁴:

'The political prisoner arriving in a military prison has already spent a period ranging from several days to several weeks, or even several months,

during which he has been secretly detained, interrogated and tortured. In many cases, the authorities do not even acknowledge these arrests until the prisoner is charged.

Once in prison, the prisoner is confronted with a pattern of prison life against which he has no means of defence and the purpose of which is to destroy his personality and morale and to break him down physically.

The alternation of periods of harsh treatment and more lenient treatment ('putting on' and 'taking off the screws' in prisoners' slang) is clearly one of the mainstays of this system.

The wealth of documentation on the military prison of Libertad (EMR-1), covering a period of seven years, shows clearly that this is a systematic pattern and not the result of the changing mood of the prison authorities or the consequences of the good or bad behaviour of the prisoners.

These methods may be used on the entire population of the prison or, more frequently, concentrated on one sector or on certain individuals.

They produce in the prisoners a feeling of constant tension and insecurity.

A large number of prisoners exhibit psychic disorders (anxiety neuroses, depression, confused behaviour) and suffer from psychosomatic disorders such as gastritis, gastro-duodenal ulcers, skin allergies, asthma in all its forms (many cases of acute asthma rapidly become chronic and develop into serious hyperventilation), cardiovascular ailments such as high blood pressure, angina pectoris and myocardial infarction. Given that the individuals in question are young, this is irrefutable proof of the tension syndrome to which we referred.

One of the most critical times in this tension syndrome is when the prisoner is transferred back to the military barracks for further interrogation and torture. Suicides and attempted suicides serve to fuel and heighten the tension.

The methods employed are simple: every aspect of the prisoner's everyday life hangs upon decisions made according to the pattern already described, thereby disorientating him completely.

THE ABSENCE OF A NAME

Having no name and having his head shaven are the only two constants in the prisoner's life. He is forbidden to use his name, which is replaced by a number worn on his uniform. His family is also identified by this number at visits.

PUNISHMENTS

These range from solitary confinement to enforced inactivity, and include the banning of visits from relatives and stopping of correspondence.

Punishments are given either for 'infringements' of the rules of conduct laid down - these are known to the prisoner and therefore punishment is expected - or for doing things which until then had been authorized and are now forbidden, or for circumstances which are beyond the prisoner's power to change. Various sources have said that these punishments are often given in order to meet a quota fixed in advance.

The frequency and severity of these punishments are an important pointer to determine the stage that has been reached in the pattern of harsh and lenient treatment.

SEARCHES

These can include the destruction of the prisoner's possessions, even of his most personal belongings, regardless of the results of the search. The prisoner is forced to watch, standing to attention and is often insulted.

There were strong rumours of the existence of a so-called 'Attica plan', (named after the Attica prison riot in the United States) to provoke a large-scale prison riot in which the 'most troublesome' political prisoners could be shot dead in an 'escape bid'.

Harrys Balbiani Saavedra, ex-leader of the transport workers under the centralized trade union organization, CNT, told a Dutch journalist⁵ at the end of February 1979 after nearly three years in prison in Uruguay, spent largely in the Libertad prison, that unscheduled alarms had been raised many times at the end of 1978. 'In the alarm drill, prisoners who are out of their cells, say at their workplace, have to throw themselves to the ground. The remaining prisoners are herded together by heavily armed guards. All the prisoners' personal possessions are thrown out of the cell, frequently destroyed, or, in the case of food, confiscated. This type of alarm drill was always carried out at set times, but at the end of last year it would happen at the drop of a hat and at the most impossible times. What is more, three 'ordinary' prisoners were brought to the Libertad prison from the Penal Punta Carretas. These prisoners, although they were well-treated, provoked fights and created disturbances. The aim of all this was to generate an atmosphere of tension and intimidation. At a certain moment, the authorities made it known that they had discovered an escape plan. Their 'evidence' was a number of water pipes that were lying around in a prison barracks. They summoned leaders from every political group with members in the Libertad prison so as to play off the prison inmates one against the other. Fortunately, mainly thanks to reports in the foreign press, the Attica plan was not put into operation.'

Position of the trade unions

The US State Department writes¹: 'All Marxist-controlled labour unions were dissolved in 1973, and the activities of remaining unions were severely curtailed. Official approval was required for all meetings, agendas and the election of officers, organizing activity and collective bargaining were severely restricted and the right to strike was effectively suspended. The Government has now prepared legislation liberalizing union activity.'

The seriousness of the situation is made clear in an ILO report from 1975:

'This report corroborates the charges made by the World Federation of Trade Unions (WFTU), the World Confederation of Labour (WCL), the CNT from Uruguay, the Latin American Central of Workers, the International Federation of Building Workers and several other trade unions, both international and Uruguayan. The ILO is investigating the charges made by the trade union organizations in the light of decisions taken at the 87th ILO conference on trade union rights, to which Uruguay was a signatory. The ILO document states that: 'the charges contain various allegations regarding the suppression of the trade union movement in Uruguay since the events of June 1973, and refer in particular to the dissolution of the CNT, restriction of trade union rights, the arrest of trade union leaders and militants, the disbanding of other trade organizations and discrimination against the trade union movement.' The ILO draws attention in its findings to the absence of trade union rights in Uruguay. It criticises the dictatorial regime expressly on the question of trade union rights and demands immediate measures. To quote the ILO report: 'The description of the legislation and of the true situation reveals not only the existence of restrictive standards and practices which interfere with the right of assembly and other trade union rights, their freedom of expression and the recognition of their leaders by the authorities and workers, but also, on a more general level, the irregular situation in which these organizations find themselves when they have no right of existence under the law and when their internal and specific activities in defence of workers are restricted in such a way.'

The report describes the arrest and torture of trade union leaders: '... they were beaten for many hours until they could not stand, had their heads pushed under water or were forced to wipe out slogans daubed on walls in the city. One trade union leader told us of how he had been beaten many times and tortured in other ways.'

On 15 February 1977, the government issued a decree enabling committees to be set up in firms on which two management and two staff representatives could sit.

The international trade union movement rejected this out of hand, because it included provisions that:

- (a) workers' representatives who had previously been involved in organizations opposed to the government were excluded from being members of such committees,
- (b) these committees were allowed to discuss only matters of labour employment legislation, safety and health regulations and were expressly not entitled to concern themselves with conflicts between management and workers on questions of wage increases, limitation of the number of working hours and so on.

The international trade union movement saw this legislation solely as a means of rendering the work of a free trade union movement impossible.

Human rights

The Inter-American Commission on Human Rights (OAS) stated in a report published in 1978:

'In Uruguay, fifteen thousand citizens have been deprived of their political rights; all political activity has been prohibited; freedom of the press, freedom of association, and freedom of assembly have ceased to exist; the independent judiciary has disappeared; trade unions have been abolished. No current government official has been elected by popular vote, nor are free democratic elections to be held in the foreseeable future. The right of habeas corpus has been suspended. The direct participation of the Uruguayan authorities in assassinations of citizens (both within Uruguay and abroad) has been documented, as has their responsibility for many deaths under torture, and the routine practice of torture - to which thousands of men, women and even children are subjected at military and police facilities.'

Amnesty International also made public many disturbing facts, about which it had the following to say in 1979:²

'In 1969 Amnesty International sent an observer to Uruguay who reported that there was some incidence of torture of political detainees by the police, and, to a much lesser extent, by the Armed Forces.

In 1974 Amnesty International and the International Commission of Jurists had a joint mission to Uruguay. The delegates met the political and judicial authorities to discuss legal safeguards, arrest procedures, administrative detention under the Prompt Security Measures, and individual cases of prisoners of conscience and political prisoners. They also visited the Penal de Libertad (EMR No. 1). The recommendations made in the mission report included: stringent safeguards against the abuse of authority by

arresting agencies, written warrants of arrest by competent judicial authorities, and an early return to civilian justice.

In 1976 Amnesty International organized a worldwide campaign against torture in Uruguay and published information on 22 cases of persons who had died in the custody of the Armed Forces. The campaign was supported by governments, as well as by non-governmental organizations. A petition with 350,000 signatures asking for an independent inquiry into the allegations of torture was presented to the Uruguayan Permanent Mission to the United Nations in New York with a copy to the Secretary General of the United Nations, Dr. Kurt Waldheim.

The same year, Amnesty International gave a testimony to a hearing on human rights violations in Uruguay before a United States Congressional Subcommittee.

The Uruguayan Government has invariably responded to all concern expressed by the international community at violations of human rights, by saying that such allegations are part of an international marxist conspiracy. No independent inquiry has ever taken place within the country.

In 1978 Amnesty International published information on 12 further cases of deaths under torture. The leaflet also included five cases of persons who have disappeared but who are believed to have died in detention.

For several years Amnesty International has maintained an extensive adoption programme of Prisoners of Conscience in Uruguay. Currently over 300 cases are allocated to Amnesty International groups in 19 countries. Every year Amnesty International has organized a considerable number of Urgent Actions on behalf of victims of unrecognized arrest, maltreatment and torture. Amnesty International has frequently released information to the press on illegal detention procedures and arbitrary arrest.

Amnesty International regularly submits information on violation of human rights in Uruguay to the Inter-American Commission on Human Rights and to the Secretary General of the United Nations.

In February 1979, Amnesty International made public several testimonies about torture in Uruguay, including a statement made by a former officer of the Uruguayan Armed Forces, who had himself been implicated in torture. His testimony corroborated Amnesty International's earlier information on the use of torture in Uruguay."

Although the American State Department, as quoted earlier,¹ felt that it could detect some improvement in the situation, the facts that are reported must be taken particularly seriously:

'Habeas corpus' and other constitutional guarantees against arbitrary detention have been effectively suspended in security cases. Uruguayan authorities insist that there are no "political prisoners", and that all "national security prisoners" were arrested for common crimes or subversive activities. However, the definition of subversive activity has been expanded to include offences such as "undermining the morale of military forces" and "disrespect to military authorities".

Uruguayan Government statistics released during 1979 indicate that slightly fewer than 6,000 persons had been turned over to the military justice system since April 1972. Almost 1,300 were subsequently released without trial, and over 3,000 others freed by judicial order for various reasons (many conditionally). This left about 1,600 still under jurisdiction of the military justice system in mid-1979, either awaiting completion of trials, or serving sentences. Releases have since continued at a rate which permitted a decline in the number of prisoners to about 1,500 by the end of 1979. A small number of persons, fewer than 50 at any given time, are also detained without formal charges under Emergency Security Measures. Although somewhat lower than estimates by human rights organizations such as Amnesty International (which estimated that 2,500 - were being held in early 1979), there is significant independent evidence to support the Uruguayan Government's figures. Of the 1,600 prisoners remaining in mid-1979 and about 1,500 at year end, a certain number, once estimated by military authorities at about 300 have been accused or convicted of violent crimes, and many others of lesser but related offences. However, in the absence of adequate guarantees by the military trial system, one cannot be certain that these convictions were appropriate in any given case.

The Military Justice System remains secretive and arbitrary, seriously limiting the rights and ability of the accused to mount an effective defence. More rapid processing has allowed earlier access by prisoners to counsel, accelerated judicial processing and improved communication with families. Amnesty International concluded in 1979 that "...the lack of separation of (government) powers has eliminated all safeguards against unlawful detention ... and effectively prevents any remedies for such infringements of basic human rights ...".

Standards governing admissibility of evidence, especially confessional evidence, are less rigorous under the MPC (Military Penal Code) than the OPC (Ordinary Penal Code) and attorneys have less opportunity for an effective defence. The Emergency Security Measures require that detainees be turned over to a military judge within ten days (the OPC requires a formal charge within 24 hours and the initiation of proceedings within 48). In practice, however, there have been lengthy delays.

During 1979, Uruguayan authorities have continued efforts to speed the work of the military court system, reducing the number of new cases involving significant pre-arraignment delay. Cases awaiting preliminary sentence have declined by half, to about 400. Accelerated review of cases has reduced the total of prisoners awaiting indictment to about 100, and has permitted many to be granted early release. Nonetheless, the system is still characterized by extensive backlogs and administrative inefficiencies which unduly delay processing. Attorneys do not have access to their clients during pre-trial investigations under either the MPC or OPC. Once the accused is turned over to a military judge for possible arraignment, under the MPC lawyers may see their clients in the presence of the authorities. They may see them in private under the OPC. Counsel do not have full access to evidence under the MPC.'

The request by the International Red Cross for an investigation to be carried out by an independent commission was turned down by the government.

The leader of the Uruguayan National Party, Wilson Ferreira Aldunate, an opponent of the left-wing Frente Amplio, was indicted for undermining public order after he had testified before the Human Rights Committee of the US Congress. His possessions were confiscated. He told a Dutch journalist⁵: 'The Uruguayan dictatorship is the most totalitarian in the world; there is no other country where so much is forbidden.'

Conclusions

Whatever one's views are on the trend towards an 'improvement' in the system, one is justified in concluding that in Uruguay the most elementary human rights are still being violated every day. The resolutions by Mr Glinne and others (1-453/79) and by Mr Rumor and others (1-645/79) protesting against this were rightly put before Parliament.

Since Parliament permitted itself to take a clear stand on the Moscow Olympic Games, it should now also consider the case for delivering a negative opinion on the mini World Football Championships that are to be held in Uruguay around the end of this year.

The rapporteur's view on this subject is clear and completely in line with previous stances on similar issues, namely that sporting events of this kind must be used to draw attention to the situation in the country and wherever possible to help those who are lacking the most fundamental human rights.

Talks with representatives of opposition groups (National Party, Frente Amplio) confirm this view: the feeling in Uruguay is that the forthcoming mini world championships offer an unparalleled opportunity to draw the world's attention to the odious Uruguayan regime. Obviously, the greatest possible restraint is necessary so that events do not play into the hands of the Uruguayan government in their desire to institutionalize the existing regime.

Likewise, strengthening that very regime by supplying it with arms should be strongly condemned.

Amnesty International has deplored the granting of export rebates to the Belgian government for supplying 22 tanks to the Uruguayan government.

Given that, as pointed out by Amnesty International, there is no threat to Uruguay in the foreseeable future from its neighbours Brazil and Argentina, who, moreover, are of roughly the same political complexion, it is obvious that the weapons to be supplied will be used against the populace.

The nine Member States of the European Community will have to keep up vigorous protests, in the framework of European Political Cooperation, to the Uruguayan government whenever new atrocities become known.

The principle that exposure is the most powerful weapon that can be used in the fight against dictatorships once again applies.

References.

1. Country Reports on Human Rights for 1979.
2. Political Imprisonment in Uruguay (AMR/52/15/79)
3. Statement on Torture in Uruguay made by First Lieutenant J.C. Cooper (AMR/52/16/79)
4. International Secretariat of Jurists in Uruguay circular no. 27.
5. De Volkskrant, 1 March 1980
6. Report of the SIJAU, 13 June 1980

OPINION

of the Committee on External Economic Relations

Draftsman: Sir John STEWART-CLARK

On 20 March 1980 the Committee on External Economic Relations appointed Sir John Stewart-Clark draftsman.

It considered the draft opinion at its meeting of 3 December 1980 and adopted it unanimously.

Present: Sir Frederick Catherwood, chairman, Mrs Wieczorek-Zeul and Mr van Aerssen, vice-chairmen; Sir John Stewart-Clark, draftsman, Mr Cohen (deputizing for Mr Seal), Mr Key (deputizing for Mr. Hänsch) Mr Louwes, Mr Rieger (deputizing for Mr Martinet), Mr Seeler and Mr Welsh.

URUGUAY AND EEC TRADE

1. BACKGROUND

Uruguay has always enjoyed a firm trading relationship with Europe. After establishing its independence in 1828, Uruguay formed particularly close links with Britain and the technical aid and manufacturing aids applied by Britain in the late 19th and early 20th century proved to be of great assistance in the foundation of the Uruguayan economy. A friendly relationship between the two countries has lasted to this day, although West Germany has now superseded the United Kingdom as Uruguay's major EEC trading partner.

2. THE EEC AGREEMENT

It was in order to "consolidate and extend the traditional economic and trade relations between the EEC and the Republic of Uruguay" that the two parties became signatories to a trade agreement which came into force on 1 August 1974. This agreement is general, but makes particular reference to beef and veal. It is non-preferential, i.e. based on the 'most favoured nation' approach. It was concluded for a period of three years and is renewable thereafter for one year at a time, provided neither party denounces it three months before its annual expiry date.

3. POLITICAL DEVELOPMENTS

Following the events of 1973 and 1974 in Uruguay and the establishment of a non-elected government in place of Latin America's oldest democracy, concern has frequently been expressed by Members of the European Parliament as to the human rights situation in Uruguay and to the treatment of political prisoners. This concern, coupled with the apparent reluctance of the Uruguayan authorities to improve the matter, led, in February 1979, to a motion in the European Parliament calling upon the External Economic Relations Committee to draw up a report on the annual renewal of the trade agreement, bearing in mind Uruguay's human rights situation.

The REX Committee duly drew up a report with a motion for a resolution in which it expressed concern at Uruguay's continuing violation of human rights, but, nonetheless, recommended that one year's renewal of the agreement be granted "since beef and veal exports to the Community are of vital importance to the people of Uruguay."¹

¹ Doc. 75/79

At the same time, however, the REX Committee urged the Commission and the Council "not to grant further preferences to Uruguay so long as nothing was done to improve the human rights situation." This report¹, together with the motion for a resolution, was forwarded to the European Parliament where it was debated and adopted on 11 May 1979. Paragraph 1 of the present motion for a resolution (Doc. 1-453/79) reflects Parliament's previous attitude.

4. EEC/URUGUAY TRADE

The precise influence and effects of the EEC/Uruguay trade agreement are impossible to assess, partly because the signing of the agreement coincided with a dramatic change of approach with regard to trade by the Uruguayan Government. Up to 1974 Uruguay had operated a somewhat protectionist trading policy under which 75% of its total export earnings came from trade with Europe. In the last few years, however, Uruguay has opened its markets to the world and this liberalization has brought with it diversification, not only of goods but also of markets. Consequently the percentage of export earnings from EEC trade is now around 42%. Nevertheless, the EEC remains Uruguay's largest single trading partner.

Import/export figures corresponding to the period January to September 1979 were as follows:

	<u>Imports to Uruguay from the EEC</u>	<u>Exports from Uruguay to the EEC</u>
West Germany	50,182,000	64,235,000
France	15,599,000	11,879,000
Italy	13,027,000	24,565,000
Holland	4,907,000	20,118,000
Belgium/Luxembourg	8,537,000	8,366,000
United Kingdom	26,663,000	17,076,000
Ireland	77,000	149,000
Denmark	1,594,000	600,000
TOTAL EEC	<u>120,586,000</u>	<u>146,988,000</u>

¹ Doc. 75/79

For the same period Uruguay's total world imports were valued at US \$740.8 million. This constitutes a rise of over 55% on the previous year. Total world exports were valued at US \$585.2 million, a 20% increase on the corresponding figures of the previous year.

The dramatic rise in imports has been due to an increasing demand for mechanical and technological products, such as piston engines, excavating, levelling and extracting machinery, tractors, vehicles of all kinds and their related accessories, plastics as well as a number of luxury items. These constitute the EEC major exports to Uruguay. In return the EEC has continued to import animals and animal products (such as leather), foodstuffs, vegetable products, fats and oils, mineral products and chemicals.

Uruguay's traditional exports have been beef, untreated wool and hides and until the early 1970's these accounted for the vast majority of Uruguayan exports. However, liberalization has increased industrial activity and development of resources has brought diversification.

In 1978 non-traditional exports, including finished products like footwear, handbags, fish and citrus fruits accounted for 65% of Uruguayan exports. In 1979 this figure had reached 72%.

5. THE PRESENT INTERNAL SITUATION

Uruguay's liberal approach to trade has not been matched by a similarly liberal domestic policy. Concern has to be expressed at the number of political prisoners still held in Uruguayan prisons. Furthermore, one cannot be satisfied by the continued retention of power by an unelected government. However, Uruguay's first election since the present regime took office has been announced for the Spring of 1981. These elections will be limited to the two traditional parties: the Blanco and Colorado parties, as will in all probability the elections of 1985.

We consider that the EEC has an important role to play in assisting Uruguay - or pushing it if necessary and where possible - back to democracy. This aim must be achieved by exerting pressure on the Uruguayan authorities and only in the most extreme case should trade sanctions be used.

The major part of this is in agricultural and related products and this measure would consequently deny Uruguayan farmers their major export market. Despite diversification, beef and veal exports continue to be of vital importance to the people of Uruguay.

In conclusion, we consider that the terms of trade with Uruguay should continue on a year-to-year basis as is now the case and as previously recommended in May 1979 by the REX Committee. Any weakening of the trade agreement would pose a threat to the delicate, but hopeful, balance of Uruguay's economy and enhance the possibility of a return to the economic instability in which the present regime came to power.

In the meantime we wish to reassert vigorously the European Parliament's condemnation of any Government which continues to disregard the principles of human rights. The Government of Uruguay in the recent past has been lamentably reluctant to loosen its grip on the people and institutions of its country. We consider it vital that as soon as possible direct elections should take place on a true and genuinely democratic basis; and only at that time should the trade agreement be reviewed with a view to enlarging its scope.

MOTION FOR A RESOLUTION (Doc. 1-453/79) tabled by Mr Glinne, Mrs Lizin, Mr Boyes, Mr Caborn and Mr Cohen on behalf of the Socialist Group, pursuant to Rule 25 of the Rules of Procedure on the situation in Uruguay

The European Parliament,

- having regard to its previous resolutions on the same subject,
 - whereas the Uruguayan dictatorship is endeavouring to legitimize its power and to deceive the public whilst imposing a strait-jacket on the political parties and announcing a one-sided constitution and the holding of an 'election' in 1981 with a candidate appointed by the military authorities themselves,
 - whereas the financial resources supplied by other countries to the Uruguayan dictatorship have served to strengthen the repressive powers of the military authorities, who expend 50% of the national budget on the 'maintenance of law and order', particularly in the form of arms purchases,
 - having regard to the intensification of repressive measures against political, social, cultural, scientific and religious organizations;
1. Rejects any extension of the provisions of the trade agreement between the European Community and Uruguay;
 2. Calls for a diplomatic boycott of the dictatorship, notably by reducing the strength of the EEC States' missions in Montevideo;
 3. Condemns direct or indirect supplies of arms by the States of the Community to the dictatorship;
 4. Demands the instant release of Liber Seregni, Chairman of the 'Frente Amplio' and the symbol of Latin-American democratic resistance;
 5. Calls for the promulgation and observance of a general amnesty for all political prisoners;
 6. Expects that in the interim the diplomatic representatives of the Member States in Montevideo will give expression in the local press to their great indignation at the continued existence of torture and other repressive practices under which Uruguay is suffering;
 7. Suggests that a parliamentary committee on inquiry be sent to investigate the situation on the spot;
 8. Instructs its President to forward this resolution to the Council and the Commission of the European Communities.

MOTION FOR A RESOLUTION (Doc. 1-645/79) tabled by Mr Rumor, Mr Klepsch, Mrs Cassanmagnago-Cerretti, Mr Vergeer, Mr Diligent, Mr Herman, Mr Fischbach and Mr Ryan on behalf of the Group of the European People's Party (Christian-Democratic Group) pursuant to Rule 25 of the Rules of Procedure on the situation in Uruguay.

The European Parliament,

1. Protests at the continued violation of human rights in Uruguay;
2. Is outraged at the holding of political prisoners without trial;
3. Requests the Uruguayan government to take immediate action on the findings of violations of human rights made recently by the Organization of American States;
4. Demands that general elections be held in 1981 as promised by the government;
5. Trusts that those elections will be conducted under conditions characteristic of a democracy, particularly with regard to the full observance of human rights, freedom of association and expression and freedom for all political parties;
6. Instructs its President to forward this resolution to the Council, Commission and the governments of the Member States.

MOTION FOR A RESOLUTION (Doc. 1-420/80) tabled by Mr CAPANNA pursuant to Rule 25 of the Rules of Procedure on the violation of human rights in Uruguay and on the fate of RAUL SENDIC and eight other Uruguayan freedom fighters

The European Parliament,

- having regard to:
 - the final declaration of the Russell Tribunal (1974),
 - the report on the Amnesty International/International Commission of Jurists mission to Uruguay (1974),
 - the report on the mission undertaken by Mr Choucq of the International Commission of Jurists (1975),
 - the report on the Joinet-Weil mission (International Human Rights Federation, International Movement of Catholic Jurists and International Movement of Democratic Jurists) (1975),
 - the campaign conducted by Amnesty International in connection with Uruguay (1976),
 - the suspension by the USA of military aid to Uruguay (1976),
 - the breaking-off of diplomatic relations between Venezuela and Uruguay following the arrest on the territory of the Venezuelan Embassy in Montevideo of a teacher seeking political asylum (1976),
 - the report of the International American States Commission (1977),
 - the declaration made at the third meeting of Latin American and European Members of Parliament (1977),
 - the examination by the United Nations Human Rights Commission of accusations concerning the violation of rights in Uruguay (1978),
 - the letter from the European Community to the Uruguayan authorities calling for an amnesty for political prisoners and respect for human rights in Uruguay (1978),
 - having been informed of the brutal treatment of political prisoners, of the systematic torture of RAUL SENDIC ANTONACCIO and of the serious threat to his life and to the lives of the eight other 'hostages' (ENGLER, FERNANDEZ, MANERA, MARENALES, MUJICA, ROSENCOFF, WASSEN and ZABALZA) in the hands of the fascist Uruguayan regime (see Annex I),
1. Calls for the immediate release of RAUL SENDIC ANTONACCIO, of the eight other hostages and of all political prisoners;
 2. Requests the Governments of the Member States and the Council to make formal representations to the Uruguayan Government with a view to securing the release of the prisoners referred to in paragraph 1;
 3. Instructs its President to forward this resolution to the Uruguayan authorities and to the Council.

After being arrested in September 1972, RAUL SENDIC ANTONACCIO was taken to the military hospital to receive treatment for the many injuries he had sustained. The most serious of these injuries - to the face - had resulted in the loss of the use of the lower jaw.

In 1973 he was transferred to the 'Liberated' prison (EMR No. I). In July of the same year, Raul Sendic and eight other freedom fighters (Jorge Manera, Julio Marenales, Eleuterio Fernandez, Josè Majiuka, Mauricio Rossencoff, Henry Engler, Jorge Zabalza and Adolfo Wassen) were taken as hostages and transferred separately to nearby barracks where they were kept in solitary confinement. The officers in command of these barracks informed them that, if the MLN continued its activities, they would be executed.

Since 1976 Sendic has been kept in the prison at Genio a Paso de los Toros, a town situated in the province of Tacuarembò, 300 km north of Montevideo. He had to undergo an operation for inguinal hernia that could well have caused an intestinal obstruction, while at the same time he continued to receive surgical treatment to the face.

In February 1978, when the stitches in the lower jaw came out, he was taken to the dentist, where he was tortured, but put up resistance.

From then onwards Raul Sendic was subjected to every conceivable form of torture and ill-treatment, including a three-month 'planten' in the course of which he was allowed to rest for only a few hours in the morning, deprivation of food, periodic beatings and mental cruelty.

In reply to repeated requests from his family, the prison authorities merely said that, pending new instructions, the detainee could receive neither visitors nor clothes and food parcels. He was refused any letters and even elastic bandages and hernia straps.

In May Raul Sendic received his first visitor after a three-month period of solitary confinement. His condition was appalling. Although doctors ordered that he should be taken to hospital for an emergency operation, the prison authorities and Military Division No. 3 refused to release him.

At present he cannot even bend down to tie up his shoelaces because of the severity of his hernia and he can only be fed on liquids, which he takes through a straw, being absolutely incapable of chewing. He has rapidly lost weight and he cannot move unaided.

PETITIONS

pursuant to Rule 48 of the Rules of Procedure

Petition No. 26/78

by Mrs Felicia REVERDITO and Mrs HAAS

on behalf of the Uruguayan Women's Coordinating Committee

Subject: Petition on behalf of female political prisoners in Uruguay and their children.

The undersigned request the European Parliament, which has frequently risen to the defence of human rights and human values, to direct its attention to the situation that has arisen in Uruguay as a result of violations of human rights and to the plight of the families and especially the children of political prisoners.

The violation of human rights in Uruguay is systematic and large-scale; one inhabitant in 400 is in prison. There are more than 6,000 prisoners, almost 20% of them women who, like all other detainees, are subjected to the most brutal and inhuman treatment.

Women, young and old alike, have died under torture and others are suffering from the effects of atrocities. Women are being humiliated as women and mothers.

The lives of these working women: teachers, doctors, engineers, chemists, civil servants, manual workers, housewives, students, shopkeepers, pensioners and political and trade union leaders, many of whom have small children, must be saved.

But in Uruguay the families of political prisoners are also persecuted: relatives lose their jobs and are blacklisted, students are expelled.

The intention is to destroy the families of political prisoners by depriving them of food and keeping them in isolation.

The government forbids all aid to the families of detainees, which it regards as an offence liable to prosecution. Thousands of children are not only separated from their parents but also subjected to every form of serious deprivation, despite the fact that children are a country's greatest and most precious asset and their right to live and to be brought up in a healthy and happy mental, moral, physical and family environment must be guaranteed.

The undersigned are convinced that the respect of human rights, enshrined in the Universal Declaration of Human Rights and the various conventions signed by the countries of Europe and America, is essential for the defence of freedom of conscience and the maintenance of social and political relations based on mutual respect and the defence of democratic principles.

The undersigned are convinced that the Declaration of the Rights of the Child and the resolution adopted by the UN General Assembly proclaiming 1979 the International Year of the Child express the feelings of millions of citizens towards children and their rights.

The undersigned, deeply perturbed by the violation of human rights and the plight of the families of political prisoners in Uruguay, call on the European Community to direct its attention to the matter; to take the measures it deems necessary and to use every occasion, congress and international reunion to denounce the present situation in Uruguay and to call for the support of governments and international organizations:

1. for the release of female political prisoners;
2. for an end to torture;
3. and, for humanitarian reasons, in requesting the Uruguayan Government to allow an international organization to provide material aid for the children of political prisoners.

Luxembourg, 11 January 1979.

Felicia REVERDITO

Occupation: Architect-teacher

Nationality: Italian-Uruguayan

20, rue d'Oslo

67000 STRASBOURG

FRANCE

Ana HAAS

Profession: Student

Nationality: Italian, born in Uruguay

13, rue de Twinger

67000 STRASBOURG

FRANCE

PETITIONS

pursuant to Rule 48 of the Rules of Procedure

Petition No. 44/79

by

AMNESTY INTERNATIONAL, Italian Section, Varese Group

Subject: RAUL GAMBARO NUNEZ, Uruguayan political prisoner

We are members of Italian Group 18 of Amnesty International and we should like to bring to your attention the very serious plight of a Uruguayan political prisoner whose case we took up some twelve months ago. Since then, we have been unable to obtain any information about him.

The prisoner is RAUL GAMBARO NUNEZ, formerly head of an employment agency in Montevideo. After the change of government he and his family fled the country to Argentina, where he was arrested on 27 December 1977. Nothing has been heard of him since.

We have tried by all possible means to discover what has happened to him, but our investigations have led to nothing. Hence our decision to bring the matter to your attention, in the hope that you could perhaps give us some lead or advise us as to what action to take in order to establish at least whether Nunez is dead or still a prisoner. If he is still under detention, he is in all probability in a Uruguayan goal, since it is almost certain that, after arresting him, the Argentinian police would have returned him to his country of origin.

Luxembourg 22 January 1980.

AMNESTY INTERNATIONAL

Italian Section - Varese Group

c/o M. MICUCCI

Via Morosini, 8

VARESE

Italy.