



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took offic This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



## U.S. Department of State

### Uruguay Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

---

#### URUGUAY

Uruguay is a constitutional republic with an elected president and a bicameral legislature. In 1994 former President Julio Maria Sanguinetti won a narrow election victory. His 5-year term ends in March 2000. The judiciary is independent.

The Interior Ministry administers the country's police departments and the prison system and is responsible for domestic security and public safety. The military is responsible for external security within the prison system. The police at times committed human rights abuses.

The economy is a mixture of private and state enterprises and is heavily dependent on agricultural exports and agroindustry. The leading exports are meat, leather, and rice. The Government respects private property rights. The economy grew by 5.1 percent in 1997, with estimated growth of 3 percent for 1998. Annual per capita income was about \$6,100 in 1997.

The Government generally respected the human rights of its citizens, and the law and judiciary generally provide effective means of dealing with individual instances of abuse. However, there were problems in some areas, principally instances of police abuse and mistreatment of detainees, poor prison conditions, and delays in the justice system. Court cases sometimes last many years, resulting in lengthy preverdict detention. Other problems include violence against women and societal discrimination against women

and the black minority.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political or other extrajudicial killings.

In March the court of criminal appeals affirmed the 18-year prison sentence of a police officer convicted of detaining and killing a woman in 1994. In May the court of appeals affirmed sentences of 8 and 6 years in prison for two police officers who shot and killed two suspects without provocation and then attempted to cover up their actions.

In November the trial judge closed as unsolved the investigation into the death of Eugenio Berrios, whose body was discovered in 1995, after he was last seen alive in military custody in 1992. Berrios, a Chilean called to testify in Chile concerning the assassination of former Chilean Foreign Minister Orlando Letelier, reportedly entered Uruguay under protective military custody.

The 1985 Amnesty Law applied to perpetrators of extrajudicial killings, torture, and other abuses during the 12 years of military rule from 1973 to 1985. However, some victims and relatives of victims had success using the civilian courts to seek redress. In October a trial judge ordered the Government to pay a total of \$1.3 million in compensation to the families of three torture victims who died in custody and to nine others who were tortured while in custody. In November the same judge ordered the Government to pay \$100,000 in damages to a woman whose father was tortured and killed by the Government. The Government appealed both court decisions.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

Calls for investigations into past disappearances continued. In May, as in prior years, thousands of persons marched in memory of the 159 Uruguayans who disappeared during the rule of the dictatorship (115 in Argentina, 36 in Uruguay, 6 in Chile, and 2 in Paraguay). Using powers granted by the 1985 Amnesty Law, the executive branch appealed and won reversal of a judicial action brought by a Senator (whose father was killed in Argentina in 1976) requesting an investigation of the alleged removal of bodies from a military site, on the grounds that the law, which was confirmed by a 1989 plebiscite, prohibits such an inquiry.

The Government also continued to disregard a 1992 ruling of the Inter-American Commission on Human Rights, reaffirmed in October 1997, which concluded that the 1985 Amnesty Law was incompatible with the American Convention on Human Rights and which recommended that the Government investigate the disappearances and compensate the families of the victims. Although the Amnesty Law obliges the executive branch to investigate the cases of citizens who were detained and then disappeared under the military regime, all three administrations since the return to democracy have consistently refused to open official investigations into their fate. The only exception was a cursory, nonpublic inquiry conducted by a military prosecutor that revealed nothing.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The Constitution prohibits brutal treatment of prisoners, but the police continued at times to commit abuses. On occasion, such abuse resulted in forced confessions (see Section 1.d.).

The judicial and parliamentary branches of government are responsible for investigating specific allegations of abuse. An internal police investigative unit receives complaints from any person concerning possible noncriminal police abuse of power, but it is understaffed and can issue only recommendations for disciplinary action. While the courts seldom convicted and punished law enforcement officials for such abuse in the past, such prosecutions are occurring more frequently. During the year, courts affirmed the sentences of three police officers convicted of extrajudicial killings (see Section 1.a.).

Police officers charged with less serious crimes may continue on active duty; those charged with more serious crimes are separated from active service until a court resolves their cases. A Ministry of Interior study reported that 179 police officers had been investigated or convicted by a court, and that 117 of these cases were directly linked to the exercise of their jobs. The 1995 Public Security Law requires a proportional use of force by the police and the use of weapons only as a last resort, in accordance with United Nations codes regarding the use of force.

Some torture victims and relatives of victims had success using the civilian courts to seek redress. In October a trial judge ordered the Government to pay compensation to the families of three torture victims who died in custody and to nine others who were tortured while in custody. The same judge awarded compensation to another relative of a torture victim in November (see Section 1.a.).

Conditions in prisons and juvenile detention facilities for the roughly 3,000 prisoners remain poor but not life threatening. In 1997 a legislative human rights commission presented a report that criticized the "excessive use of force and abuse of authority" by prison guards and officials, and stated that sanitation and health standards in the prison system were "unacceptable." This report reflects the work of a previous commission that in 1996 published a report to the government citing overcrowding, lack of staff training, corruption, and physical violence as problems. A new facility with a capacity of 400 prisoners opened in December 1997, and prisoners were transferred to it.

The Government permits prison visits by human rights monitors, although a requirement to route all such requests through the Ministry of Interior causes delays.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution requires the police to have a written warrant issued by a judge before making an arrest. The only exception is when the police apprehend the accused during commission of a crime. The Constitution also provides the accused with the right to a judicial determination of the legality of detention and requires that the detaining authority explain the legal grounds for the detention. Police may hold a detainee incommunicado for 24 hours before presenting the case to a judge, at which time the detainee has the right to counsel. It is during this 24-hour period that police sometimes abuse prisoners, occasionally resulting in forced confessions.

A 1980 law stipulates that police confessions obtained before a prisoner appears before a judge and attorney (without the police present) have no validity. Further, should a prisoner claim that he has been mistreated, by law the judge must investigate the charge.

If the detainee cannot afford a lawyer, the courts appoint a public defender. If the crime carries a penalty of at least 2 years in prison, the accused person is confined during the judge's investigation of the

charges unless the authorities agree to release the person on bail. This seldom happens. As a result, approximately 90 percent of all persons incarcerated are awaiting a final decision in their case. Because of the slowness of the judicial process, the length of time prisoners spend in jail before the judge issues a verdict may exceed the maximum sentence for their crime. The uncertainty as to how long one will be imprisoned is a factor creating tension within the country's prisons.

In December 1997, the legislature approved a bill to reform and modernize the Criminal Code. Among its provisions, the new law provides for more oral argument by prosecution and defense attorneys, and less investigative responsibility for judges, which is expected to accelerate the pace of criminal trials. The law was to take effect in June, but was delayed until at least February 1999, due to a lack of resources to implement the new system.

The Government does not use forced exile as a means of punishment.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The Supreme Court heads the judiciary system and supervises the work of the lower courts. A parallel military court system operates under a Military Justice Code. Two military justices sit on the Supreme Court but participate only in cases involving the military. Military justice applies to civilians only during a state of war or insurrection.

Trial proceedings usually are based on written arguments to the judge, which are not made public routinely. Only the prosecutor and defense attorney have access to all documents that form part of the written record. The courts introduced oral argument in 1990, but individual judges use it at their option. Most judges choose to retain the written method, a major factor slowing the judicial process. There is no legal provision against self-incrimination, and judges may compel defendants to answer any question they pose. The defense attorney or prosecutor may appeal convictions to a higher court, which may acquit the person of the crime, confirm the conviction, or reduce or increase the sentence.

There were no reports of political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, but the authorities may abridge these rights if persons are deemed to be inciting violence or "insulting the nation."

All elements of the political spectrum freely express their viewpoints in both print and broadcast media. Montevideo alone has 8 daily newspapers and 6 important weeklies; there are also approximately 100 other weekly and a few daily newspapers throughout the country. Montevideo has one government-affiliated and three commercial television stations. There are about 110 radio stations and 20 television

stations in the country.

A 1989 law stipulates that expression and communication of thoughts and opinions are free, within the limits contained in the Constitution, and it outlines methods of responding to "inexact or aggravating information." The law calls for 3 months' to 2 years' imprisonment for "knowingly divulging false news that causes a grave disturbance to the public peace or a grave prejudice to economic interests of the State" or for "insulting the nation, the State, or their powers." The authorities use this law intermittently to set and enforce certain limits on freedom of the press.

In May an administrative court struck down a 1996 decree that required the Government's prior authorization for the duty free import of newsprint--characterized by the Inter-American Press Association as a "serious threat to the preservation of freedom of the press"--after being challenged by a group of newspapers.

The national university is autonomous, and the authorities generally respect academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice.

The Government grants refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1961 Protocol. The Government grants asylum only for political crimes as set forth in the 1928 Treaty of Havana, the 1889 Treaty of Montevideo, and the 1954 Caracas Convention. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The question of the provision of first asylum arose in October when a Cuban tourist requested asylum. At year's end, the Government was considering his request.

There were no reports of forced return of persons to a country where they feared persecution.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Uruguay is a multiparty democracy with mandatory voting for those 18 years of age or older, and there are no restrictions regarding race, sex, religion, or economic status. The Colorado party, the National (Blanco) party, the Broad Front coalition, and the New Space party are the four major political groupings.

Women and blacks face imp