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**REPORT ON A MISSION TO URUGUAY
AUGUST, 1984**



A Special Report
to the Human Rights
Committee of the New York
Academy of Sciences

by: Patrick Breslin
David Kennedy
Richard Goldstein

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Report on a Mission to Uruguay

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The Authors: Dr. Patrick Breslin is a political scientist, writer and expert on Latin America.

Professor David Kennedy is a specialist in international law and member of the faculty of the Harvard Law School.

Dr. Richard Goldstein is a member of the Human Rights Committee of the New York Academy of Sciences, and a member of the faculty at the New York University School of Medicine.

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SUMMARY

On March 22, 1984, a delegation representing the concerns of the New York Academy of Sciences, the American Public Health Association, the Human Rights Committee of the National Academy of Sciences, and the American College of Physicians entered the men's and women's political prisons in Uruguay. The purpose of this visit was to see four medical students imprisoned since last June, and a number of political prisoners reported to be in ill health. The medical students interviewed were arrested at a time in 1983 when significant change seemed to be taking place in Uruguay. Among several theories put forward to us in explanation of the reason for the arrests were that the students simply misjudged the degree of freedom the government would permit and/or that the government, at that time discussing the need for an anti-terrorism law with the political parties, wanted to demonstrate that subversion was still a problem. The students, when arrested, were held incommunicado, and tortured. Physicians were described as participating in the torture sessions in ways such as resuscitating prisoners during torture so that torture could be continued, and assessing "safe" limits of torture.

At the time of our visit, none of the four imprisoned medical students complained of ill health. The medical needs of the five women prisoners interviewed were currently being provided, but at times at less than desirable levels. Subsequent to our interviews with the students, we learned from Colonel Silva Ledesma, Chief Judge of the Supreme Military Tribunal, that the nature of the charges against all 4 were relatively light. In July, 1984, Breslin and Goldstein returned to Uruguay and again discussed the four students with Colonel

Silva Ledesma, who assured us of prompt action towards their release. In early September 1984, word reached us that three of the four -- Lucia Arzuaga, Ernesto Ormaechea, and Jorge Martinovich -- had been freed. Efforts on behalf of the remaining medical student -- Hugo Rodriguez -- continue.

INTRODUCTION

On March 22, 1984, we became the first private foreign delegation since 1978 to visit Libertad and Punta Rieles, the men's and women's political prisons in Uruguay¹. The organizations whose concerns we represented -- the New York Academy of Sciences, the American Public Health Association, the Human Rights Committee of the National Academy of Sciences, and the American College of Physicians* -- had become alarmed by news of the arrest and torture of four medical students in Uruguay in June 1983. There were also disturbing reports² that a number of other political prisoners were in poor health and not receiving adequate medical treatment. Five months³ of contacts with Uruguayan authorities, through Uruguay's embassy in Washington, D.C., and through the United States' Department of State produced only limited information on the prisoners, and no response on the question of whether a visit to them would be permitted. Finally, the decision was made to go to Montevideo.

*Additional letters of concern were transmitted by the President of the Institute of Medicine of the National Academy of Sciences.

We were in Uruguay from March 19-24, 1986. During that time, we spoke with a wide variety of individuals, both inside and outside the government, informing ourselves about the general political situation in the country, the condition of the medical profession, and prison conditions. On March 22, we interviewed the four students: Lucia Arzuaga in the women's prison at Punta Rieles; Hugo Rodriguez, Jorge Martinovich, and Ernesto Eloy Ormaechea in the men's prison at Libertad. We were also allowed to speak with five women prisoners about whom we had received reports of health problems. At Libertad, our request to see additional prisoners who reportedly had health problems was refused. The following day, we presented letters expressing the interest of the institutions we represented in the four students to Col. Federico Silva Ledesmo, Chief Judge of the Supreme Military Tribunal, and appealed for their earliest possible release.

BACKGROUND

For the first half of the twentieth century, Uruguay was one of the most stable and democratic societies in the western hemisphere. It enjoyed the highest literacy rate, lowest birth rate, and the longest life expectancy in South America.⁴ But economic and political stagnation during the 1960's led to the appearance of the Tupamaros, a guerilla organization that for a time was the most audacious in Latin America. When the police proved incapable of dealing with the Tupamaros, the military was called in. By 1972, the Tupamaro structure was destroyed, and its members killed, jailed, or forced to flee the country. Rather than return to the barracks, the military increased its control over the country. Constitutional and legal guarantees of civil and political rights were undermined subsequently

by a series of measures that led, gradually but inexorably, to full military rule.

In 1973, the military closed Congress and dissolved fourteen political parties and groups, declaring them "illicit associations." A series of "institutional acts" radically changed the entire constitutional framework and cancelled the protection of basic human rights. Repression became widespread; by 1978, Uruguay had a higher proportion of its population in jail for political reasons than any other country in the world, and the use of brutal torture by the military regime was routine.⁵

The first cracks in the military's apparent total control of the country came in 1980. The regime announced a new constitution, designed to institutionalize a dominant role for the military in Uruguay's politics. A plebiscite was scheduled to ratify it, and a very limited amount of political debate was permitted. Given their first chance to vote after seven years of dictatorship, Uruguay shocked the military with a resounding rejection of the new constitution.

In the aftermath of their defeat, the military permitted the two traditional parties, the Blancos and the Colorados, as well as the Union Civica to resume some political activity. In 1981, the parties held internal elections, which the military hoped would "cleanse" them of military rule. Instead, voters overwhelmingly rejected those politicians seen as collaborating with the military. In 1983, massive popular demonstrations demanded amnesty for political prisoners,

return of exiles, free elections, and alternatives to the military's failed economic policies.

Politically isolated at home, the military regime also found itself increasingly isolated internationally. Just a few years ago, Uruguay was one of a bloc of right-wing military governments whose sway extended over most of South America. Now, neighboring Brazil is well along the path back to civilian rule, and Argentina returned to full democracy last October after its military government collapsed in the aftermath of the Falklands debacle.

Isolated internationally, its position eroding at home, the military is now engaged in a dialogue with Blanco, Colorado, and Union Civica leaders about the future of the Uruguayan political system. Most of the discussion centers on the nature of the elections promised for November, 1984.


While government and opposition leaders debate, Uruguay's citizens find themselves skirting political quicksand. The press can say more than in the past but newspapers and magazines can still be seized; some demonstrations are permitted, others repressed; people are more outspoken, but without any guarantees. This uncertain political terrain has claimed many victims over the past two years, among them the medical students we went to see. Last June, while the parties and the military were discussing Uruguay's political future, the students were arrested and accused of "subversive association" which includes such "crimes" as attending political meetings and reading banned material.

PREPARATIONS FOR THE VISIT

Because of concern over reports of the arrest and torture of the our medical students, as well as by other reports that a number of olitical prisoners were in poor health, Dr. Richard Goldstein on ehalf of the five North American institutions contacted Uruguay's hen ambassador to the United States, Alejandro Vegh Villegas. In the fall of 1983, we received confirmation from the embassy that the four medical students were indeed being held on charges of subversive association. In the other cases, we were told, the prisoners in question were either well or receiving adequate medical therapy.

Conversations in Washington with Ambassador Vegh continued until December 1983, when he returned to Montevideo to head his government's Ministry of Finance. In the next several weeks, a series of events signalled further changes in the situation within Uruguay. The return of democracy in neighboring Argentina dramatically produced enthusiasm and heightened expectations among the Uruguayan public. But the arrest of several Argentine military officers, on charges of human rights violations and other crimes, alarmed hardline sectors of the Uruguayan military. From November 1983 to January 1984, it was unclear whether the government would continue in the direction of democracy or return to repression. The political uncertainty of this period prompted us to push ahead our plans to visit the country.

Early in 1984, came new indications that more moderate officers were in control when Uruguay announced the release of Jose Luis Massera, the internationally-known mathematician, who had been a political prisoner for many years. Rumors circulated of the imminence



of the release of Gen. Liber Seregni, the presidential candidate of the Frente Amplio, the left's coalition party, in 1979 and also the object of a great deal of international concern.

Meanwhile, we had been in touch with United States Department of State officials, from both the Bureau of InterAmerican Affairs, and the Bureau of Human Rights and Humanitarian Affairs, since November 1983. A letter from the United States embassy in Montevideo suggested very strongly that no mission be undertaken without firm guarantees of appointments from the Uruguayan government beforehand. While not discouraging us from continuing correspondence with Uruguayan authorities, the embassy stated it could offer no support. State Department officials in Washington substantially echoed this view until January 1984 but as our intention to proceed with the mission by March became apparent, support in Washington increased. Nevertheless, despite a request by the Bureau of Human Rights and Humanitarian Affairs that the United States embassy in Montevideo help us secure appointments and permission to visit the prisons, the embassy remained aloof and declined to help us in any way.

THE VISIT TO URUGUAY

We arrived in Montevideo on the evening of March 19, 1984. One of the delegation, Patrick Breslin, had stopped briefly in Buenos Aires to gather information on Argentine government perspectives of the situation in Uruguay, and to meet with a representative of the United Nations High Commissioner on Refugees knowledgeable about conditions in Uruguayan political prisons. Shortly after arriving in Montevideo, we met with a representative of the Uruguayan Human Rights

Commission, and a representative of the health committee "Grupo de Salud". They promised to help us set up informal meetings with representatives of the medical and legal professions and with others who could provide perspectives on both the political and the human rights situation.

The next morning, Tuesday March 20, we met with Jerome Hogansen, the political officer, and George Staples, the human rights officer, at the United States embassy. The meeting was cordial in tone but empty of content. They said the embassy had had no discussions about our mission with the Uruguayan government and could think of no way to help advance our mission.

The same afternoon, we met with a representative of the Uruguayan government. The tone of that meeting was fairly cool until we presented to him the letters from the organizations we represented requesting his assistance. After reading the letters, his tone changed noticeably. He said that with the letters he would be able to help us, and promised to speak to the Minister of the Interior, General Julio Cesar Rapela. That same evening, we met with two representatives of the Comision Intergremial Medica (CIM).

On Wednesday, March 21, we again went to the U.S. embassy to meet Deputy Chief of Mission Richard Melton (Ambassador Aranda was in Washington that week), Mr. Hogansen, and Mr. Staples. The diplomats expressed doubts that we would be allowed to visit the prisons, and once again proffered no help with the Uruguayan government.

The same afternoon we received word from the Uruguayan government that our visit to the prisons had been approved for the following day.

Wednesday evening we met with several physicians representing the Uruguayan medical community. We discussed with them the current situation of the medical profession in Uruguay, military intervention in the medical trade union, and issues of health care provision. They agreed that the situation was still very much as had been described by Drs. Goldstein and Gellhorn in their 1982 report (see footnote #3). The Uruguayan physicians said that discussions were currently being held with the government about returning the medical trade union to civilian control. They stressed the importance to them of visits like ours, and also the need for ongoing contacts with medical and scientific associations in other countries.

On Thursday, March 22, we were picked up at our hotel by a government car, driver, and secretary. Our first stop was the Establecimiento Militar de Reclusion No. 2, the women's prison at Punta Rieles. The prison is set amidst vineyards on the outskirts of Montevideo, down a winding, unmarked, and unpaved road. The entrance is controlled by check points manned by heavily armed soldiers. We were ushered into the commandant's office and spoke briefly with him and his associates. He told us the prisoners were dangerous persons who deserved to be in jail. We presented the names of the prisoners we wished to see, starting with the medical student, Lucia Arzuaga. The commandant approved our request and had one of his subordinates conduct us to the examination room in the prison's infirmary which was turned over to us for the interview. It was a small room with an examining table, another small table and four chairs. We insisted on

privacy during the interviews, although, as we stressed to the prisoners at the beginning of each interview, we could not guarantee that the conversations were not being recorded. We spent about an hour with Ms. Arzuaga, and an average of fifteen minutes -- mainly devoted to their medical problems -- with each of the other women prisoners.

That afternoon, we drove to the Establecimiento Militar de Reclusion No. 1, the men's prison at Libertad. The prison is a massive structure rising from the rolling farm land near the town of Libertad, about an hour northwest of Montevideo. The military security around the prison was even heavier than at Punta Rieles. After passing several checkpoints, we were met by a junior officer with a walkie-talkie, given badges to wear, and escorted inside the gates. The officer stayed in constant communication with a command post in the prison while we approached the building. He escorted us to the commandant's office.

The commandant greeted us perfunctorily, listened impassively to our explanation of our mission, and our request to see certain prisoners. He responded that his orders covered only the three medical students. In the absence of additional orders, he refused to approve interviews with any other prisoners.

We were taken to the area normally used for visits by family members and lawyers. It is a heavily guarded building across a patio from the commandant's office. There are several facing rows of chairs separated by a glass partition. The prisoner sits on one side of the glass, his visitor on the other, and they talk through the telephone

handsets. The whole area is surrounded by heavy metal bars. We asked for a more private area for the interviews and were told that an International Committee of the Red Cross team was presently visiting the prison and was using the infirmary, and that no other area was available. We later saw the Red Cross team as they were leaving the prison. We were allowed to use a somewhat more private area at one end of the visiting room where we could sit together with each prisoner on wooden benches and talk directly to him, without the barrier of a glass partition. Again, we stressed to each prisoner that although we were alone with him, we had no guarantee that the conversation could not be overheard. We spent from twenty minutes to a half hour with each of the three prisoners.

THE INTERVIEWS AT PUNTA RIELES*

1. Lucia Arzuaga Gilboa. Ms. Arzuaga was a fifth year medical student when she was arrested June 28, 1983 on the street outside her apartment. She was pulled into a car and blindfolded with the scarf she had been wearing. Later, she learned that at the same time as her arrest, her apartment was ransacked and valuables stolen. She was taken to a building where a hood was placed over her head and she

Six women prisoners were interviewed. The first is one of the four medical students. The remaining five women interviewed had been reported to have medical problems.

was stripped naked, beaten and kicked, tortured with electric shocks, and forced to stand for a long period. She was then taken to the central police station, held incommunicado, given no food, and then transferred to an office of the intelligence services where she was again beaten, and then suspended by her arms which were handcuffed behind her back, and tortured with electricity. She lost consciousness during the torture and was afterwards told that she had had convulsions. Someone she judged to be a physician, by his behavior and vocabulary, examined her after she regained consciousness, listened to her heart, and told her torturers they should allow her to sit to avoid serious injury.

On August 4, 1983, she was transferred to Punta Rieles. In describing the prison, she made changes that we were to hear repeated⁶ from all the prisoners we interviewed, both there and at Libertad, as well as from former prisoners we sought out. The prison was organized, she said, in a systematic way to undermine the prisoners' self-identity. The prisoners were subjected to continuous insults and blows, never with an explanation. She mentioned that when she was called from her cell for the interview, she was given no explanation of where she was going. She indicated that she hadn't known whether she was being taken to a military barracks, or perhaps to a court for sentencing.

She said hygiene in the prison was poor; that for weeks they'd had no soap to clean floors or bathrooms and had to use the same dirty rags to clean pots and pans as well as lavatories and floors. The prison food was bad, she said, often fly infested. There were no eggs

She said sanctions were common in prison life: isolation cells, denial of family visits, loss of rights to recreation or to mail. Because her attitude was defiant, she said, she had been allowed no family visits nor letters for two months. Conditions toughened within the prisons, she said, whenever the military government found itself discomfited, either within Uruguay or internationally.

2. Nelly Graciela Jorge de Fernandez. She has been a prisoner for fourteen years. Since 1980, she said she has complained of spinal pain. She was examined, and had x-rays, but four months elapsed before transfer to a hospital. The diagnosis was spinal angioma. She has been treated with cobalt therapy and has been checked every two months. She had a slight loss of strength in her right leg. She looks well at this time, and knows of no other active medical problems.

In a comment on prison conditions, she said that no food packages from families had been allowed in her section for over a year.

3. Selva Braselli de Ruffinelli. She was arrested in January, 1976. She said her age is 44, although she looks many years older. She had a history of cardiac disease prior to her arrest. She was subjected to forced labor during 1976-80, which worsened her condition. She is now being treated with digitalis and beta blockers.

About eighteen months ago, she had an episode of digitalis toxicity. She was initially misdiagnosed and treated with nitrates resulting in an aggravation of the situation. She was not given a

cardiogram until her family paid for it. Only then was her condition properly diagnosed and treated.

She was tortured during interrogation after her arrest and suffered a perforation of the left ear drum. In 1980, she developed a chronic staphylococcal infection of the same ear. She was not permitted to see a specialist for five months. By that time, the condition had progressed to the point of requiring the surgical removal of part of the middle ear to control the infection. Her infection remains chronic, with periodic flare-ups. She said there are frequent delays between exacerbations, accurate diagnosis, institution of antibiotic therapy, and feedback of culture results which allows adjustment of antibiotic therapy. She cited one example when it took four weeks from the time that the discharge from her ear was cultured until she was put on the proper antibiotics. Examination by Dr. Goldstein confirmed the existence of the condition.

4. Gloria Castro. Since her imprisonment, she has tried to commit suicide at least once. She is under psychiatric care but said she had no confidence in her psychiatrist. She said she received medicine from him and nothing else. She said she feared that anything she said to him would be communicated to her jailors. She said that on one occasion, he threatened her in a veiled way, telling her that someone with her general attitude would not live very long.

5. Maria Mercedes Espinola Baruch. She complained of a spinal problem arising after torture. She has not been given a diagnosis. She complains of atrophy and pain in the muscles on the left side of

her spine, and constant back pain. She is treated non-specifically with tranquilizers.

Upon examination, Dr. Goldstein found her condition to be consistent with a traumatic rupture of the left paraspinal muscle.

6. Paula Laborde. She also complained of spinal problems which began after torture. She said she had no other medical complaints.

DISCUSSIONS WITH PRISON AUTHORITIES AT PUNTA RIELES

After the interviews with the women prisoners, we talked with the military doctor on duty. He told us there was a second doctor assigned to Punta Rieles, a woman, and that prisoners could choose which one they wanted to see. He presented to Dr. Goldstein the files on each of the prisoners we had seen. We questioned him on the fact that so many of the prisoners seemed to have back problems, but he avoided the question. Dr. Goldstein presented him with a Spanish copy of the "Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment", recently adopted by the United Nations (see Appendix "B"). The prison doctor read it and told us that in his duties at the prison, he was in compliance with every ethical standard.

We returned to the office of the commandant. We declined to answer questions about the prisoners, but did express our concern

about Gloria Castro. The commandant and his subordinates responded that they too were quite concerned about her.

THE INTERVIEWS AT LIBERTAD*

1. Hugo Rodriguez Almada. He described his treatment after his arrest last June 1983 - mid-winter in Uruguay. He was stripped, hooded, and left in a very cold cell. From time to time, cold water was dumped on him. Later, he was fastened to a metal bed frame by his wrists, ankles and neck. He was tortured first with an electric prod, then with electrodes attached to his body. His torturers concentrated on his nose, mucosal membranes, fingertips, groin, testicles, the tip of his penis. The electrodes were apparently hooked to a hand cranked machine because he could hear the crank being turned during his torture. Water was frequently thrown on him to increase the electrical conductivity.

The next day, the torture was similar, except that he was strung up by his hands which were tied behind his back with his toes barely touching the floor. He was kept hooded throughout, and rags or strips of cloth were tied around his wrists to keep his bonds from leaving marks. He was also subjected to constant blows and kicks.

*All three interviews at Libertad were with imprisoned medical students. Our request to see prisoners reported to be ill was denied.

On two occasions, he was checked by someone he assumed to be a physician because of the way he conducted the examination and the terminology he used. That person was present during the torture and controlled it, telling the torturers on both occasions that it was all right to continue.

After the interrogation phase ended, Rodriguez was transferred to Libertad prison, where he spent the first ten days in "la isla", the isolation cells which are used for additional punishment.

2. Ernesto Eloy Ormaechea. He was arrested at his home and taken to an office of the intelligence service. For about six hours the first day, he was beaten, forced to stand, or was suspended by his hands tied behind his back. The next day, he was tortured with an electric prod on the most sensitive parts of the body until he signed a confession. Later he was taken to the prefecture of police. He was held incommunicado for about 15 days. Transferred from the prefecture to Libertad, he spent the first 11 days in the isolation cells.

He said that he and the other male students arrested last June, 14 in all, are kept isolated from the rest of the prison population at Libertad because they have not yet been sentenced.

The prisoners spend 23 hours of each day in their cells, he said. They are permitted one hour of recreation.

Visiting privileges are limited to one hour each two weeks when they may talk with members of their families through the glass partition. The only exception is that prisoners with children under

the age of 12 are allowed an additional hour after the family visit to be with the child in a small garden area of the prison.

3. Jorge Martinovich. He is a graduate in veterinary medicine who is a candidate for the M.D. degree. He was an assistant professor in veterinary medicine at the time of his arrest. He was arrested at his home by three plainclothesmen. They searched his house and took him away for questioning, saying he would be brought back soon. Instead he was held incommunicado for 15 days. During that time he was hooded throughout, punched, suspended by his arms which were handcuffed behind his back, and tortured with electric prods. His captors accused him with having known a student who was a member of the Communist Party.

After transfer from the central jail to Libertad prison, he was held 12 days in the isolation cells.

FINAL MEETINGS

We spent most of Thursday night, March 22, in conversations with the president of the Uruguayan bar association, and with the lawyer for one of the four students. Early on Friday morning, March 23, we talked with Hugo Batalla, the lawyer for the recently-released Gen. Seregni. The purpose of these meetings was to prepare us for our appointment that morning with Col. Federico Silva Ledesma, chief judge of the Supreme Military Tribunal. In our meeting later that morning, Col. Silva Ledesma gave us his views on the situation that had led the military to take power, and insisted that subversive activity aimed at overthrowing the government still continued. It was for those type of

activities that the four medical students, as well as other students, had been arrested in June 1983. However, on at least four separate occasions during the discussion, Col. Silva Ledesma volunteered that while all crimes against the state were severe, the charges brought against these students were considered "light." We presented to Col Silva Ledesma the letters from each of the five institutions we represented appealing to him on behalf of the students.

From Col. Silva Ledesma's office, Dr. Goldstein and Prof. Kennedy went to the United States embassy, while Mr. Breslin returned to the hotel to begin a series of meetings with representatives of various groups which had asked to discuss aspects of the human rights situation in Uruguay with us. At the embassy, we again met with Mr. Melton, Mr. Hogansen and Mr. Staples, and reported the details of our visit to the prisons. Mr. Melton expressed surprise that the students were tortured and that this might occur as a routine part of detention. We asked for and obtained a promise of help in follow-up.⁷

That night, Friday, March 23, we all met with the families and lawyers of the four medical students, reported to them on our visits, clarified several points, and expressed our determination to continue our efforts on behalf of the students.

The next morning, Saturday, March 24, just before leaving for the airport, we answered several inquiries from the Uruguayan press about our mission, and provided them with a press release (Appendix A of this report).

CONCLUSION

The cooperation shown to this mission by officials of the Uruguayan government and the mission's success in gaining access to prisoners in both Libertad and Punta Rieles Prisons must be understood in the context of the current political situation in Uruguay. Recent events there raise hopes for an orderly return to democratic, civilian rule. The political parties, the press, the trade and professional organizations have resumed limited public activity as a result of this process, and, as they reassert their role as vocal advocates for human rights and due process of law, the current government is being forced to become more responsive to these issues. Although excesses and violations of these principles continue to occur, Uruguayan institutions have demonstrated that they are capable of responding. Nevertheless, the process of democratization in Uruguay remains fragile. Internal or regional events, real or perceived, could at any time precipitate a reversal. The institutions involved in this mission, and others concerned about Uruguay, must continue to watch events there closely. At the same time such organizations can now support the process of democratization by taking the initiative in strengthening ties with their sister organizations in Uruguay. The medical profession in particular must continue to address the involvement of medical professionals in torture. Previous reports⁸ have found evidence of this in the past. Based on statements to us by individuals tortured last year, it appears to continue. According to these prisoners, medical personnel participated in torture by resuscitating them so that torture could continue, and by assessing the "safe" limits of torture. Precise ethical standards exist and must be applied.¹⁹ The strengthening of organizational ties should be.

based on a non-political exchange of professional, scientific, and academic information. As an example of ways to further demonstrate outside concern for continuing change, members of associations and societies in the United States and Europe might begin to attend Uruguayan meetings and, those from Uruguay be invited to meetings in the North.


It is rare for a mission such as ours to be able to record what appears to be encouraging improvements in human rights in Uruguay or indeed in any country. Our mission was made possible through the support of nongovernmental scientific and medical organizations having a humanitarian concern for human rights. That we represented such a perspective rather than one of political advocacy was, we believe, one key to our success. Yet, the success of our mission remains significant only if the return to democracy continues.

Postscript: July 1984

For the first time in twelve years the Uruguayan medical community met nationally in Montevideo on July 19-22, 1984. At the invitation of the organizers, Drs. Breslin and Goldstein* attended this meeting, the Seventh National Medical Congress of Uruguay. Remaining in Montevideo for two days after the Congress, they once again pressed an appeal on behalf of the four imprisoned medical students.

The March trip, according to Assistant Secretary of State for Human Rights and Humanitarian Affairs Eliot Abrams and officials of State's Inter-American Bureau was perceived by the United States Embassy as successful and exemplary in style. Further, it was stated that the Embassy would be more helpful in the future. At the urging of the Department of State, we channeled our request to again visit the imprisoned students and meet with Uruguayan officials, through the United States Ambassador in Uruguay, Thomas Aranda, Jr.

*Professor Kennedy was in Europe and not available.



On our arrival in Montevideo, we were surprised and disappointed to find that the attitude of the Embassy had not changed at all. Ambassador Aranda had handled our requests in a most routine manner. They had been forwarded to the Uruguayan Foreign Ministry in such a way as to indicate that they were of low priority. We asked to see Ambassador Aranda to ask him personally to intervene, but were told he was too busy to see us until 1 and 1/2 hours before we were scheduled to leave the country. We were also told that he was too busy to speak with us by telephone, even briefly.

Recognizing the lack of interest on the part of the United States Embassy, we attempted to make our own arrangements directly with the Uruguayan authorities. On our third visit to the Supreme Military Tribunal, on the day of our scheduled departure, we finally succeeded in meeting with Chief Judge, Colonel Silva Ledesma. We discussed the cases of the student group in general and presented letters of appeal on behalf of the four imprisoned medical students. He indicated that charges against three of them had been reduced as anticipated last March. The fourth student faced stiffer penalties, as he was accused of being a member of the communist youth organization at a time when party membership was legal. None had been charged with crimes of violence or overt acts to undermine the government. The tone of the meeting with Colonel Silva left us with a sense of optimism that the students might soon be freed.

We next asked Colonel Silva for help in arranging a brief visit to Punta Rieles, the women's prison. We did not request to visit the more distant Libertad prison as sufficient time did not remain prior to our departure. Colonel Silva spoke by telephone to the Chief of Military Police, who approved the visit. As we were a foreign delegation, we were asked to channel a formal request through the Foreign Ministry. We were told this all could be done by telephone and the visit take place later the same day, since the military authorities had already approved the visit in principle. Further, Colonel Silva suggested that if the United States Embassy was supportive of our intentions, the quickest way would be to have an Embassy official telephone the Foreign Ministry on our behalf.

We returned to the Embassy, explained the situation and requested that a call be made to the Foreign Ministry. Ambassador Aranda responded by calling the Foreign Minister. Our request was then forwarded by telephone to the Chief of the Military Police - as requested, through the Embassy to the Foreign Ministry - and approved.

At Punta Rieles prison, we met for some forty minutes with Lucia Arzuaga, one of the medical students we had visited in March. Our conversation with her focused on conditions at Punta Rieles since our last visit. She said conditions were still hard. She had spent several weeks in solitary confinement because of her defiant attitude. The practice of "wetting down" prisoners by throwing water on them and leaving them in damp clothes during the Uruguayan winter was common. Attempts to divide the prisoners, to get them to renounce their beliefs, continued. Despite this, her own attitude, and her descriptions of the other prisoners, suggested that morale is higher

now than in March among the inmates of Punta Rieles. They sense the approaching end of their ordeal, and believe that they have survived what they perceive as systematic attempts by the authorities to break down their personalities and their political beliefs. Prisoners are being released, and each release, Lucia said, is regarded as a victory by the inmates, who expect the accelerated political process now taking place in Uruguay to lead to the release of most, if not all of them, before elections scheduled for November 25.

The optimism within Punta Rieles is found outside the prison walls as well. The Seventh Medical Congress which we attended seemed a microcosm of what is happening in Uruguayan society as the drive back to democracy gathers force. Civilian institutions are reappearing, even though the laws that repressed them for so many years are still theoretically in force. The fear that characterized Uruguayan society during the last decade seems to have disappeared. There is a sense of inevitability about the return to democracy, and in many ways people behave as if it has already happened. The Medical Congress, for example, discussed openly such once-dangerous topics as the restructuring of the university's medical school, national public health policy, and, most controversial of all, cooperation by some members of the medical profession with the military's repression, including participation by some doctors in torture. The Congress formally adopted the Principles of Medical Ethics, as adopted in Resolution 37/194 of the General Assembly of the United Nations in March, 1983. A commission to enforce these principles and to hear charges against individual doctors was created by the the Congress by unanimous resolution. The Congress also upheld a previous action taken by the Medical Association of the Interior - the professional

organization of all doctors outside the Montevideo area - in suspending, pending a formal hearing; a doctor who allegedly signed a false death certificate of a physician who had died while in detention in late April of 1984.

Author's Note: In early September 1984, word reached us that three of the four medical students-- Lucia Arzuaga, Ernesto Ormaechea, and Jorge Martinovich -- had been freed.

1. A delegation from the National Academy of Sciences visited Jose Luis Massera in Libertad and his wife in Punta Rieles in 1978. Representatives of a number of European governments regularly visit some prisoners. The International Committee of the Red Cross has recently finished a series of visits to both prisons: Their reports are confidential.
2. Amnesty International, various reports.
3. The interest of several private North American organizations in the situation in Uruguay dates to 1978 when the New York Academy of Sciences and the American Association for the Advancement of Science, with the support of the Human Rights Committee of the National Academy of Sciences, the American College of Physicians, and the American Medical Association initiated an investigation into the state of the medical profession there. Two and one-half years of dialogue with Uruguayan officials proved fruitless and the investigating team was never allowed to visit the country. As an alternative, it conducted extensive interviews among Uruguayan exiles. It found convincing evidence that not only did individual Uruguayan physicians suffer from widespread abuse of their basic human rights, but that the practice of medicine, the education of physicians, and the furtherance of medical research had all been severely hampered by measures taken by the military authorities. The systematic use of torture during interrogation, psychologically disruptive strategies during confinement after sentencing, as well as disregard for due process of law appeared to be typical in all 54 cases investigated. Testimony received as a whole supported the thesis that arbitrary arrests, torture and unusual punishment occurred as a matter of policy rather than as random events. The findings of the investigation appeared in the report "Human Rights and the Medical Profession in Uruguay Since 1972", Richard Goldstein, M.D., and Alfred Gellhorn, M.D., published by the Committee on Human Rights, New York Academy of Sciences, and the Committee on Scientific Freedom and Responsibility, American Association for the Advancement of Science, August 1982.
4. The World Bank "Uruguay Economic Memorandum", 1979, Washington, D.C. Also see "Uruguay 1973-1978" a report prepared by the International Organization of Journalists and Federation Internationale Synticate L'Enseignement and submitted to UNESCO in 1978.
5. Inter-American commission on Human Rights of the Organization of American States, "Report on the situation of human rights in Uruguay", 1978,

Washington, D.C.; International commission of Jurists "Report of a mission to Uruguay - Imprisonment in Uruguay", June 1979 London. The International League for Human Rights, "Uruguay's Human Rights Record", 1982, New York; Amnesty International, "Report on Human Rights Violations in Uruguay", London, 1983.

6. These charges are also repeated in the International Red Cross, Mission Report: Brazil-Argentina-Uruguay, 10 February - 3 March 1980 Geneva. Also see "In Libertad Prison", the New York Review of Books, 19 November 1981.
7. The United States Embassy in Uruguay has been particularly helpful in providing us with follow up information since our return to the United States.
8. "Human Rights and the Medical Profession in Uruguay Since 1972", Richard Goldstein, and Alfred Gellhorn, Published by the Committee on Human Rights, New York Academy of Sciences, and the Committee on Scientific Freedom and Responsibility, American Association for the Advancement of Science, August 1982.
9. "Declarations of Tokyo", World Medical Association 1975; and "Principles of Medical Ethics", Resolution 37/194, United Nations, 1983, (See Appensix "B").

APPENDIX "A"

PRESS RELEASE

24 March 1984
Montevideo, Uruguay

On Thursday, March 22, 1984, a delegation representing the concerns of five nongovernmental North American scientific and medical associations met with prisoners in the Punta Rieles and Libertad prisons. The delegation consisted of Dr. Patrick Breslin, a writer and political scientist; Dr. Richard Goldstein, a physician at the New York University School of Medicine and Professor David Kennedy of the Harvard Law School. We represented the concerns of the New York Academy of Sciences, the American Public Health Association, the Institute of Medicine of the National Academy of Sciences, and the American College of Physicians, which together represent over 150,000 scientists and physicians.

Alarmed by the news of the arrest and treatment of a number of medical students last June, as well as by reports that a number of political prisoners were in poor health; these five organizations initiated a process of dialogue with the Uruguayan government which has resulted in our visit to Uruguay this week.

While here, we have had the opportunity to speak with a wide variety of individuals, both within and outside the government. We have spoken with physicians, health care workers, politicians, lawyers, and government officials about prison conditions and health of political prisoners. On Thursday, March 22, we visited Libertad and Punta Rieles prisons. While there, we spoke with four medical students, who are political prisoners: Lucia Arzuaga, Hugo Rodriguez, Jorge Martinovich, and Ernesto Eloy Ormaechea. On Friday, March 23, we appealed on behalf of the institutions we represent to Colonel Federico Silva Ledesma, Chief Judge of the Supreme Military Tribunal, for the earliest possible release of these four students. We and the five institutions we represent will continue to follow these cases with great interest. At Punta Rieles, we were able to speak with a number of prisoners reported to be ill. At Libertad, we also requested to see a number of political prisoners about whose health we were concerned. These requests were denied.

We appreciate the cooperation of the Uruguayan government in permitting us to carry out our mission, and the efforts of many others who have contributed to our success.

APPENDIX "B"

Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment.¹

Principle 1

Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

Principle 2

It is a gross contravention of medical ethics, as well as an offense under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.²

Principle 3

It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

Principle 4

It is a contravention of medical ethics for health personnel, particularly physicians:

(a) To apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments;³

(b) To certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect the physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.

Principle 5

It is a contravention of medical ethics for health personnel, particularly physicians, to participate in any procedure for restraining a prisoner or detainee unless such a procedure is

determined in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the prisoner or detainee himself, of his fellow prisoners or detainees, or of his guardians, and presents no hazard to his physical or mental health.

Principle 6

There may be no derogation from the foregoing principles on any ground whatsoever, including public emergency.

1. As adopted in Resolution 37/194, Principles of Medical Ethics, the General Assembly of the United Nations, March 1983.

2. See the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3452 (XXX), annex), article 1 of which states:

"1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

"2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment."

Article 7 of the Declaration states:

"Each State shall ensure that all acts of torture as defined in article 1 are offenses under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture."

3. Particularly Universal Declarations of Human Rights (General Assembly resolution 217 A (III)), the International Covenants on Human Rights (General Assembly resolution 2200 A (XXI), annex), the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3452 (XXX), annex) and the Standard Minimum Rules for the Treatment of Prisoners (First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat) (United Nations publication, Sales No. 1956.IV.4), annex I.A).