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Uruguay Investigates Dictatorship Era Human Rights Crimes

by LADB Staff
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Uruguayan prosecutors are looking into crimes committed during the country's 1973-1985 military dictatorship. Ex-President Juan Maria Bordaberry (1971-1976) and his foreign affairs minister, Juan Carlos Blanco, face criminal inquiries while excavations at military installations will search for bodies of disappeared persons from the era. The investigations by the recently inaugurated President Tabare Vazquez government may represent human rights activists' best hope in decades for extensive prosecutions.

Government looks for ways around amnesty law

Compared with its neighbors, Uruguay finds itself much more hampered in its efforts to punish the crimes of its dictatorship from the 1970s and 1980s. A 1986 amnesty law - the Ley de Caducidad or Expiration Law - put in place under pressure from the military, prevented prosecution of most human rights crimes from that era. A public referendum in 1989 enshrined the Ley de Caducidad and continues to hamper efforts to bring repressors to justice.

However, with the newly elected center-left government of President Vazquez's Encuentro Progresista-Frente Amplia (EP-FA) having won control of the Congress, the presidency, and most of the country's departmental mayoralties (see NotiSur, 2004-11-12, 2005-03-04, 2005-05-20), activists believe they have an unprecedented opportunity to bring the crimes of the military regime to light. The administrations of Presidents Julio Sanguinetti (1985-1990 and 1995-2000) and Luis Lacalle (1990-1995) did nothing to investigate the fate of the approximately 160 victims of forced disappearance, most of whom were disappeared in Argentina.

However, at the start of his term in 2000, President Jorge Batlle (2000-2005) set up a peace commission made up of representatives of different sectors, with a view to fulfilling article four of the amnesty law. But the peace commission merely concluded that 26 Uruguayans died of torture in the country during the dictatorship, and stated that it had received reports that the victims were buried or cremated and thrown into the sea, although it did not say the reports were true.

Another 128 victims of forced disappearance had been detained in Argentina, seven in Chile, two in Paraguay and one in Bolivia, as part of Operation Condor.

Victims' families said the report was unsatisfactory and continue to call for a more in-depth investigation. "We believe that now it is Uruguay's turn. We have high expectations and hopes, because of the new government," said Fernando Miranda, a member of the human rights organization Madres y Familiares de Uruguayos Detenidos-Desaparecidos.
In Uruguay, many of the officers implicated in human rights violations continue to get together on national holidays or to remember members of the military who were killed in what they continue to call "the war on sedition" and against "subversives." The armed forces in Uruguay argue that any abuses that were committed occurred in the context of an "urban war" against the Movimiento de Liberacion Nacional-Tupamaros (MLN-T) guerrillas.

The great majority of the human rights violations, however, took place after the MLN was militarily crushed in 1972. Several former MLN guerrillas who spent years in prison are now legislators and popular EP-FA leaders. Uruguay's armed forces, unlike others in the region, have never admitted their human rights crimes (see NotiSur, 2004-11-19 and 2005-06-24).

**Bordaberry and Blanco under criminal investigation**

Ex-president Bordaberry gave more than four hours of testimony on June 16 regarding a quadruple-murder committed in Buenos Aires in 1976 where he stated his total innocence, under oath. Bordaberry, 78, integrated himself into a "civilian-military" government in 1973, just over a year after he'd come into office. The government suspended constitutional guarantees and closed down all leftist political activity in the country.

According to his accusers, Bordaberry's de facto government took the passport from one of the victims so that he could not leave Argentina. Foreign affairs minister Juan C. Blanco allegedly was in Buenos Aires one week before the murder to plan the crime. MLN insurgents Rosario Barreto and William Whitelaw died, apparently at the hands of Argentine commandos, and prosecutors allege that Bordaberry coordinated the killings.

EP-FA Senator Zelmar Michelini, and the ex-president of the House of Deputies, Hector Gutierrez Ruiz, of the Partido Nacional (PN, Blanco) were also killed. They had taken asylum in Argentina when the constitutional government was dissolved with the support of the armed forces in June of 1973.

Three years later, the military toppled Bordaberry over political differences. Lawyers for the Michelini and Gutierrez families said that a judge could hand down a decision in the case after a July vacation. Bordaberry and Blanco, if found guilty for the apparently coordinated killings, may face prison. Blanco also faces charges in the case of a disappearance of a teacher, Elena Quinteros, in 1976.

**Excavations at military prisons to look for bodies**

President Vazquez has met with Argentine anthropologists as they prepare to dig up areas where they have noted indications of burial sites on military facilities. Vazquez says that "it is necessary to deepen the investigation into what happened to detained and disappeared citizens" from the dictatorship, something that is allowed under Article 4 of the Ley de Caducidad.

The governmental resolution Vazquez handed down establishes that there will be "field work" in areas where it's believed that there has been removal of dirt to bury the bodies of the disappeared.
The work will be done or supervised by a team of Argentine forensic anthropologists who are collaborating with the government in the investigations.

Excavations were set to begin the week of June 20 at Batallon 13 de Infanteria Mecanizada, where forensic teams examining archival aerial photographs said they saw signs of dirt removal consistent with the burial of bodies. The team will give a report on their investigation in two months. Vazquez has praised the commanders of the Army, Navy and Air Force for investigations conducted under the Peace Commission during the Batlle government, and generally the top commanders have said they support further inquiries, though there have been some expressions of concern.

**Gelman case exempt from restrictive amnesty law**

The 1976 killing of the daughter-in-law of Argentine poet Juan Gelman, Maria Claudia Garcia Irureta, has been opened up to investigation. On June 24 President Vazquez sent the Suprema Corte de Justicia a decision that the case did not fall under the amnesty-giving Ley de Caducidad, thereby allowing a judicial investigation of the crime.

Family members of Irureta called for a re-opening of the case, arguing that Vazquez had authority to renew it. Irureta was pregnant when she was kidnapped in Buenos Aires by a military commando unit and transported to Montevideo, where, according to some testimony, she was killed after giving birth.

Her husband, Marcelo Gelman, was killed that same year. The daughter was found in 2000 by officials of the Batlle presidency. Gelman family lawyer Jose Luis Gonzalez requested an exemption from the amnesty law for the Irureta case, which Vazquez gave under article 4.

On June 28, Uruguayan courts decided to close the borders to seven military members and one police officer, supposedly involved in the disappearance of Irureta. Another recent act to punish members of the dictatorship came when a Uruguayan tribunal approved the extradition of three Uruguayan officers to Chile for the kidnapping of biochemist Gustavo Mirabal.

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