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Uruguayan President José Mujica Agrees to Host Guantánamo Bay Detainees

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Uruguay is expected to receive a group of between eight and 10 prisoners from the US military’s Guantánamo Bay detention camp in southeastern Cuba. The decision follows a series of long conversations between Uruguayan President José Mujica and his US counterpart, President Barack Obama.

The talks had been kept strictly confidential until March 20, when Mujica decided to leak the story to the opposition weekly Búsqueda. The US Ambassador in Montevideo Julissa Reynoso later confirmed that negotiations had taken place.

Uruguayan press sources suggest other countries around the world may also be in talks to accept as refugees the more than 100 detainees still being kept at the infamous prison, which is within the Guantánamo Bay Naval Base in an area the US military has occupied since 1903.

President Mujica says he agreed to accept the Guantánamo prisoners for humanitarian reasons. "This isn't about exchanging favors," he explained in a March 24 interview with El Espectador, a Montevideo radio station. "There are 120 guys who have been incarcerated for 13 years. They haven't gone before a judge, they haven't seen a prosecutor, and the US president wants to put this problem behind him. The [US] Senate, however, demands that he do 60 different things first. And so he asked a bunch of different countries if they could offer refuge to some [of the detainees] and I told him I would."

The comments laid to rest the possibility, as some previous accounts had suggested, that the Mujica administration had worked out a deal whereby the US government, in exchange for Uruguay’s acceptance of Guantánamo prisoners, would release a group of Cuban detainees held in the US on espionage charges.

Quiet negotiations
Mujica and Obama may have first broached the Guantánamo-prisoner issue in April 2012, when the two leaders crossed paths at the Sixth Summit of the Americas in Cartagena de Indias, Colombia (NotiSur, April 20, 2012), according to a detailed article published late last month by the Uruguayan weekly Brecha. Presidents Juan Manuel Santos (Colombia) and Dilma Rousseff (Brazil), along with then President Sebastián Piñera (2010-2014) of Chile, may also have discussed the matter, raising the possibility that those countries could eventually receive Guantánamo detainees as well.

Brecha claims that Mujica, after contemplating the issue for several months, moved forward with the negotiations in November 2012, when a group of US government emissaries traveled to Montevideo and offered profiles of the specific prisoners most likely to be transferred to Uruguay. The White House representatives described the detainees in question as peaceful people who would not cause any trouble once in Uruguay.
Ambassador Reynoso—responding to concerns raised by local opposition leaders—made similar statements during a joint press conference earlier this month with Uruguayan Foreign Minister Luis Almagro. "These people aren’t a high risk to either the United States or the counties that receive them," the German news agency DPA quoted her as saying. Shortly afterward, when one journalist present asked the US diplomat why, in that case, the detainees continue to be jailed under extreme conditions, Reynoso chose not to respond.

In early 2013, according to the Brecha article, the Uruguayan government sent a mission to Guantánamo Bay to obtain first-hand information about the detainees being considered for transfer to Uruguay. Among those dispatched to the US naval base and detention center was Uruguay’s ambassador to Cuba. Upon their return, the emissaries reportedly told Mujica that approximately 20 prisoners at Guantánamo are studying Spanish. The detail suggests that Uruguay is probably not the sole Latin American country preparing to receive detainees.

Other top-level government officials assigned to work on the detainee transfer (in addition to Foreign Minister Almagro) are Defense Minister Eleuterio Fernández Huidobro and Interior Minister Eduardo Bonomi. Both are former Tupamaro guerillas who, like Mujica, were held prisoner for 13 years and subjected to extremely degrading conditions during Uruguay’s civic-military dictatorship (1973-1985).

The Brecha article claims that the Uruguayan government, "just as it does for any refugee, promised to provide psychological assistance, issue identity cards, carry out the security measures needed to protect their physical integrity, and guarantee the free exercise of their rights." That pledge corresponds directly to Uruguay’s Ley 18.076, a Refugee Law enacted in 2006.

During the press conference he shared with Ambassador Reynoso, Almagro said that "the ministry is considering different alternatives for carrying out the transfer [of the prisoners] but prioritizes compliance with the Refugee Law and with signed international treaties." The particular treaties in question are the UN’s 1951 Convention relating to the Status of Refugees and 1967 Protocol relating to the Status of Refugees.

**Opposition outrage**

Although President Mujica made his decision for humanitarian and political reasons, as he has repeated over and over, his government is now being forced to treat it as a legal matter to counter immediate—or "automatic," as one government-aligned legislator suggested—criticisms from opposition parties.

The UN High Commissioner for Refugees (UNHCR) reports that 203 refugees—from South America, Cuba, China, and Africa—are now living in Uruguay. Their presence has gone virtually unnoticed. The opposition’s goal right now is to undermine Mujica’s authority by ruining the humanitarian deal he brokered with President Obama—even if it means ending Uruguay’s long tradition of offering asylum to refugees of all political stripes and from all over the world.

Ley 18.076 promises equal recognition for "those people, anywhere in the world, who, because they belong to a particular ethnic or social group, gender, race, religion, nationality, or because of their political opinions, fear persecution and, because of those fears, do not want to or cannot return to their countries of origin." In addition, Uruguay’s generous law recognizes as refugees anyone who has "fled their country of nationality or residence because of a generalized threat of violence, foreign
occupation, terrorism, internal conflicts, widespread human rights violations, or any other serious violation of public order."

There is one area, however, in which Ley 18.076 is potentially restrictive: anyone requesting asylum in Uruguay must do so in person, the law states. Mujica’s opponents, led by the conservative daily El País, point to this particular stipulation to argue that the Guantánamo refugee request—since it comes from the US government, rather than from the detainees themselves—is therefore invalid.

Not everyone agrees. Óscar López Goldaracena, a high-profile jurist, activist, and novelist, believes that Uruguay, as far as ethics, solidarity, and human rights are concerned, is more or less obliged to host the prisoners. "Anything that can be done to help these victims is valid," he said. "One cannot ignore that these people are being illegally deprived of their freedom. They are in the hands of a powerful nation that violates Article 14 of the International Covenant on Civil and Political Rights, which establishes that everyone has a right to fair trial and honorable treatment."

The legal expert equates this case with that of the "nondangerous" Uruguayans who, after being imprisoned by the dictatorship, received permission to leave and take up residency in the various countries that welcomed them. "They didn’t request refugee status in person. It was family members, or embassies in the receiving countries that filed the requests or asked for diplomatic humanitarian safe-conduct, because [the prisoners] were locked up, detained without trials, in the same situation that the prisoners in Guantánamo are in now," López Goldaracena recalled.

Those who oppose Uruguay's continuing to be a land of refuge do not know—since right now nobody knows—the identities of the Guantánamo prisoners being considered for transfer. Nor did they listen to Ambassador Reynoso when she tried to ease their concerns by saying that the detainees are not dangerous, even to the US, which locked them up under horrible conditions.

"What does Uruguay stand to gain from this, from bringing people here who have a history of religious fanaticism?" Luis Alberto Lacalle Pou, an early presidential candidate for the Partido Nacional (PN or Blanco), recently asked. Arguing along the same lines, Partido Colorado (PC) leader Pedro Bordaberry suggested that Uruguay "will be transformed into a US jail. It could cost us a lot of money."

Another PC stalwart, former President Jorge Batlle Ibáñez (2000-2005), used the issue to attack Mujica personally. "[He] is working hard to win the Nobel Prize," said Batlle Ibáñez. "He’s an expert entertainer, king of the show, a man who wants to be an international figure. That’s got to be what’s really behind all this mess."

In his interview with El Espectador, Mujica responded to his various opponents succinctly but energetically. "The people making these kinds of miserable arguments never spent even a half-hour in a dungeon," he said. "This is a worthwhile cause if it can free people who have spent 13 years deprived of their liberty in unbelievable, disgraceful conditions, who’ve never seen either a judge or a prosecutor."

Mujica, along with eight other guerillas, spent 13 years locked up in total isolation, without ever seeing the light of day. The group is often referred to as "the nine Tupamaro hostages," since authorities promised to kill them if the Tupamaro guerillas carried out any military action against the dictatorship.