

Fifty Years After the Uruguay Coup, Why so Few People Have Been Brought to Justice for Dictatorship Crimes*

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Uruguay marks 50 years from the beginning of its coup on June 27. On this day in 1973, President Juan Maria Bordaberry and the armed forces shut down parliament and inaugurated 12 years of state terror (1973-1985).

This anniversary offers an opportunity to reflect on why Uruguay has not brought more people to trial for human rights violations committed during this dictatorship.

For decades, Uruguay was known as “the Switzerland of Latin America”, given its longstanding stability and democratic traditions, and its welfare state. In 1973, little attention was initially paid to Uruguay’s regime, perhaps owing to the country’s reputation, and its geopolitical location – overshadowed by two bigger neighbours, Argentina and Brazil. That year most international attention focused on the spectacular coup against the Chilean president, Salvador Allende.

Imprisonment, interrogation and torture

However, Uruguay’s regime was equally violent and repressive. Within a short time, Uruguay earned a new nickname: the “torture chamber of Latin America”. By early 1976, Uruguay had the highest per capita concentration of political prisoners in the world.

According to Amnesty International, one in every 500 citizens was in prison for political reasons and “one in every 50 citizens had been through

a period of imprisonment, which for many included interrogation and torture”. Besides the thousands of people imprisoned and tortured, the dictatorship left behind a legacy of 197 state-sponsored enforced disappearances and 202 extrajudicial executions between 1968 and 1985.

Repression was brutal not only within Uruguay’s borders but also beyond. My book on Operation Condor – a repressive campaign waged by South American dictatorships, and backed by the US, to silence opponents in exile – illustrates how Uruguayans represent the largest number of victims (48% of the total) persecuted beyond borders between 1969 and 1981.

Justice or impunity?

Uruguay returned to democracy on March 1 1985, with the inauguration of President Juan Maria Sanguinetti. Prospects for justice were restricted from the start. Uruguay’s generals and representatives of three political parties had negotiated the transition through the Navy Club Pact.

Among other things, the latter established a timetable for the return of democracy, restored the political system that pre-existed the dictatorship, including the constitution of 1967, and called for national elections in November 1984. Elections did take place, but with some politicians banned.

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In December 1986, the democratic parliament then sanctioned Law 15.848 on the expiry of the punitive claims of the state. This “impunity law” effectively shielded police and military officers from accountability for dictatorship-era atrocities, ensuring executive control and oversight over justice. It was introduced at a time of increasing opposition by the armed forces to emerging judicial investigations into past crimes.

The expiry law successfully ensured that the state-sponsored policy of impunity, where crimes are not punished, would remain in place for 25 years, until 2011. I have analysed elsewhere the ups and downs of Uruguay’s relationship with accountability.

Fast forwarding to the present time, Uruguay has a reputation as a regional leader in some human rights issues (for example, reproductive rights and equal marriage). But it has only achieved very limited justice for dictatorship-era atrocities.

As of June 2023, Uruguayan courts have delivered sentences in just 20 criminal cases and condemned 28 defendants in total, some of whom were involved in multiple cases, (from figures compiled from data by myself and NGO Observatorio Luz Ibarburu).

As a point of comparison, Argentinian tribunals have handed down 301 verdicts since 2006, with 1,136 individuals sentenced for the crimes of the dictatorship (1976-1983).

Similarly, as of December 31 2022, 606 final verdicts have been handed down in trials for dictatorship-era crimes in Chile, 487 in criminal and civil cases (heard together), and 119 only civil cases, according to data from the Transitional Justice Observatory at Diego Portales University.

Alongside colleagues at the University of Oxford, we developed an approach to account for why some countries hold perpetrators of past human rights violations accountable, while others do not.

It is based on four factors: civil society demand; the absence of veto players (such as politicians who oppose accountability for, or investigation

into, past human rights violations); domestic judicial leadership; and international pressure. This basic approach helps understand Uruguay’s enduring struggles. Although all four factors are at play in the country, they clash with each other and favour impunity overall.

Uruguay has seen significant levels of international pressure, including the famous “Gelman” verdict in 2011 from the Inter-American Court of Human Rights that was instrumental in repealing the expiry law in 2011. Simultaneously, there has been relentless civil society demand for justice, from the landmark 1989 referendum to overturn the expiry law to, most recently, calls to modify the 2006 reparations law for political prisoners.

Undoubtedly, most progress in justice, truth and reparations has been achieved in Uruguay thanks to the tireless efforts by activists and NGOs, including the central trade union, which has spurred authorities to investigate.

Nonetheless, Uruguay has never committed to the investigation of past atrocities as a state policy as Argentina has done. A set of powerful players, which includes the armed forces, various politicians and high court judges, have ensured that the wall of impunity remained in place with few exceptions.

The lack of judicial independence and the sanctioning of a few courageous judges who attempted to defy impunity in the 1990s and 2000s – most recently Mariana Mota – has obstructed progress too.

Another factor is the significant number of judgements in the supreme court which downplayed the severity of the crimes committed during the dictatorship.

Positive change might be on the horizon though. A new criminal procedure code introduced in 2017 means that dictatorship-era allegations (filed since then) are investigated more quickly. And the creation in 2018 of a specialised prosecutor for crimes against humanity – a long standing

demand by human rights activists – has resulted in more investigations coming to trial and at a faster pace.

As Uruguayan poet Mario Benedetti famously said about memory and oblivion, when truth finally sweeps around the world: “*esa verdad será que no hay olvido*” – “that truth will be that there is no forgetting”. //