Did Truth Be Acknowledged? : Commission for Peace and Uruguayan post Military Dictatorship Society

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Introduction

The president of Uruguay, Jorge Batlle who assumed office in March 2000, formed the Commission for Peace (Comisión para la Paz) in August of the same year to resolve the problem of forced disappearance (sellar en Paz) during military dictatorship in order to bring peace to Uruguayan society. He is the first president who formally acknowledged that this problem still exists in Uruguay. The Commission's work continued until the end of 2002, and its final report was submitted to the president in April 2003.

This article describes the influence of the work by the Commission for Peace on some of the most prominent cases of human rights abuses by the Military in order to evaluate the significance of the commission.

A brief summary of human rights violation in Uruguay

Uruguay was well known to be one of the most democratic countries in the southern Hemisphere, and was referred to as the Switzerland of Latin America. However following a coup d'État in June 1973, the state of the country resembled that of a jail.

In the 1960's the traditional two-party system (Colorado Party and Blanco Party) was dismantled to comply with the demand of new-left group who had protested in political arena throughout the election against Uruguayan unequal social structure. Inspired by Cuban Revolution, some of those leftist youth formed urban guerrilla organizations such as MLN—Tupamaros. The initial stage of MLN activity which was often described as their Robin Hood period was able to evoke a good deal of sympathy among people. They robbed arms from the military, and committed bank robberies. They also kidnapped and execute a USAID police adviser who was suspected of instructing the Uruguayan police regarding the torture¹.

One of the reason why guerrillas could attracted people was the economic stagflation in Uruguay. Uruguayan economy, which depends on the export of meat, wool and leather had suffered due to the recession in the world market following the Korean War. The developmental strategy of import substituting

industrialization under state protection had resulted in a deadlock and traditional parties were unable to find anther solution. Social protests including student's political activities increased. Workers and students went on strike and occupied factories or schools. The government responded to the social unrest in an authoritarian manner, deciding to send army in order to dismiss workers from these factories that they occupied by a decree at 19-7-1967. Further in 1968, the government introduced Prompt Security Measures (authorized by Articles 168, 17, and 31 of the 1967 Constitution) to declare a state of emergency in which civil liberties were suspended. The government also abandoned negotiations with workers in neo corporatism style, dissolving the salary boards that had negotiated labor-management agreements over thirty years². In September 1971, during the electoral campaign of that year, President Pacheco Areco declared that the armed forces assumed responsibility of the counter subversion operation³. The extreme Right also formed a counter-guerrilla group and "Escuadron de la Muerte" (Death Squads) acted behind the scenes.

During the 1971 elections legal opposition against the traditional two-party system resulted in the emergence of the third party. Ex-general Liber Seregni and some of the ex-traditional party politicians formed a broad leftist coalition from the Communist Party to the Christian Democrat Party, called the Frente Amplio. This new coalition gained 18% of the votes. In Montevideo 31% of the voters cast their ballots in favor of Frente Amplio.

Was Uruguay faced with an armed revolution at that time? Could Tupamaros overthrow the government? The analysis of the opinion poll by Nancy Bermeo reveals that several experts were inclined to think so. People preferred the democratic regime even with accompanying disorder to a strong ordered military regime (see Tables 1, 2, and 3) 4. On 14 April 1972, Tupamaros and the armed forces fought against each other. Tupamaros assassinated four government officials and military personnel, on the other hand the armed forces killed six militants of the

MLN. The government declared a "state of civil war". In September, one of the founding fathers of Tupamaros, Raul Sendic was captured. By the end of the 1972, the guerrilla groups were annihilated.

As Juan Linz ovserves, there are no democratic regimes that have faced a decline due to attacks by llegal leftist opposition. The coup took place *after* the armed forces defeated the subversion groups. President Bordaberry whose fraction could not secure a majority in parliament increasingly relied on the military. The coup of 27 June in 1973 was an *autogolpe* by the president. The military which believed in the National Security Doctrine was convinced of the prevalence of international communism conspiracies.

Uruguay Nunca Más, which is the most conclusive investigation by Servicio Paz y Justicia -Uruguay, a famous human rights organization concerning human rights violations from 1972 to 1985 in Uruguay, characterized those abuses as long-term imprisonment and torture in contrast with that in Chile (mass executions) and Argentina (forced disappearance⁵). In "The Long-Term Imprisonment" survey, 49% of those interviewed by SERPAJ had been incarcerated for three to eight years. That report also stated that Uruguay became a country with the largest number of political prisoners in relations in population, almost 31 for every 10,000 inhabitants had been arrested6. Seventeen leaders of the MLN were treated as "hostages". Had their organization acted on their behalf, they would have been executed immediately7. The Uruguayan military also joined Operation Condor, a clandestine Latin American military network formed in 1975. Militaries of member countries shared information on political opponents and cooperated in their capture. Many Uruguayans were forcively held in Argentina, and Argentinean soldiers as well as Uruguayan soldiers also tortured Uruguayans and Argentineans in secret prisons, such as ESMA or Automotores Orletti. Operation Condor even targeted moderate political leaders who protested in a nonviolent manner against human right violations by military regimes in western hemisphere. In May 1976 the Uruguayan senator Zelmar Michelini and the ex-chairman of congress Hector Gutiérez Luiz were kidnapped in Buenos Aires. A few days later, their bodies were found along with those of the former members of Tupamaros, William Whitelaw and his wife. The politicians in exile, Michelini, Gutiérez Luiz and the former presidential candidate Wilson Ferreira Aldunate were negotiating with the Minister

of Economy of the military government Alejandro Vegh Villegas over the possible transition to democracy⁸.

The military intended to institutionalize political interventions by the armed forces. In November 1980, the military government submitted a new constitution that legitimated unlimited participation by the armed forces and made the National Security Council a part of the executive branch, to a plebiscite. The military lost by a narrow margin, 42.2% voted in favor of the new constitution, while 57.8% voted against it⁹.

The negotiations on transition to democracy commenced. The dialogue finally resulted in the Navy Club Pact between the Colorado party, Frente Amplio, Civic Union and the military in August 1984. By this pact the military obtained impunity against past human rights violation¹⁰. In November of that year, the national elections were held. Julio María Sanguinetti, who mediated between the military and Frente Amplio in the transition process was elected as president¹¹.

In April 1985, after the democratization, Frente Amplio and the National Party had set up two investigating commissions in the congress to inquire into the disappearance and the assassinations of Michelini and Gutierez Luiz. However the investigation by those commissions was not sufficient to reveal the national truth because they lacked the necessary facilities for investigation. In December 1986 the impunity law (el Ley de Caducidad de la Pretension Punitiva del Estado) was passed. Shortly after, human rights organizations and families of victims began a campaign against impunity in a short time. According to the provision of the Uruguayan constitution, they collected voters signatures in order to conduct the referendum to overturn a national law. The military and civil politicians who sympathized with the generals interfered in that movement in several ways. In April 1989 the impunity law was ratified by a majority of 55%¹². The families were therefore unable to investigate how, why, when and where their loved one had disappeared. "?Donde estan?"

In May 1995 an ex-navy officer of Argentina Adolfo Scilingo confessed that a large number of people who disappeared had been thrown alive into La Plata River from navy planes¹³. In May 1996 a student of anthropology of University of Republic of Uruguay at htat time, Jorge Troccoli also confessed his commitment to *dirty war* in newspaper *el País*. Before the democratization, Trocolli was a navy

captain. According to Samuel Blixen, a prominent Uruguayan journalist, that captain was the chief of S-2, the department of intelligence and he was a coordinator in ESMA14. Those two confessions reopened the wounds of human rights violations. In 1999 an Argentine poet Juan Gelman had petitioned to Sanguinetti, who had assumed the office of president once again in 1995, to search for his grandchild and his daughter-in-law, María Claudia Irueta who had been kidnapped along with his son in 1976 had been pregnant at that time. Gelman believed that she had been transported to Uruguay, and gave birth to the child there. Many poets and novelists from all over the world and eight Nobel Prize winners, among them Gunter Grasss, Rigoberta Mentchu, and Adolfo Pérez Esquivel supported the campaign demanding an investigation. Sanguinetti ordered the armed forces to conduct a nominal investigation and concluded that no evidence was found to support the occurrence of that episode in Uruguay¹⁵. A few weeks following Sanguinetti's statement, the new president Batlle located Gelman's granddaughter in Uruguay.

Aim and authority of the Commission

In contrast to his predecessor, Batlle clearly admitted that the problem of disappearance persisted in Uruguay. He pronounced the decree of la Comisión para la Paz, on 9 August 2000. The members of this commission were: Nicolas Cotugno, the archbishop of Montevideo: Carlos Ramela, a lawyer and an adviser of the president on this issue: Gonzaro Fernandez, a criminologist, member of the Socialist Party, which belonged to the leftist coalition Frente Amplio-Encuentro Progresista: Claudio Williman, LL.D, National Party, the ex-dean of the faculty of social science, and ex-vice president of the Central Directors Council of National Education Administra-(Codicen), (during the military regime he defended human rights in cooperation with Ferreira): Priest Luis Perez Aguirre, founder of SERPAJ, he participated as a informal representative of the organization Families of the Detained-Disappeared: José D'Elia, the honorable president of PIT-CNT, the national center of trade union¹⁶.

The most important task of this commission was to probe into their fate of those who disappeared including children who had disappeared with their parents. Families of the disappeared assumed that the children were adopted by relatives of the police or the members of the armed forces. The president of the commis-

sion, Archbishop Cotugno insisted that the objective of this working group was to discover the remains of those who disappeared and to return them to their families¹⁷. The duty of the commission was to receive, analyze, classify and compile information regarding forced disappearances that occurred during the de facto regime. The working period of this group was fixed at 120 days, with the option of being prolonged by presidential decree if necessary. The commission petitioned for many organizations to collect information concerning the disappearances. Subsequently, according to Ramela, an archive would be created to register the circumstances surrounding the disappearance of each victims and group them according to the place where they had been detained¹⁸. Finally, the commission would have to present a final report including legal suggestions for reparation and corrections of false identities19.

Batlle wished to manage the investigations of this commission within the framework of the impunity law. He explained the commission was formed due to an ethical obligation²⁰. Therefore, the commission did not have the authority to inquire of the military institutionally to confirm the crucial information on the fates of those victims. Besides, a large number of the suspects had already retired. The armed forces maintained silence. The working group had to depend on its personal connections with individual members of the military in order to obtain information. The commission received information through e-mail, telephone, fax, or direct contact. The primary sources of information were SERPAJ, FEDEFAM, PIT-CNT, and Madre de Plaza de Mayo. The government of Argentina also provided information on 153 forced disappearances of Uruguayans, including 9 cases that were not listed by the inquiry from Uruguay. The working period was prolonged several times. In 2001, the remains that had been discovered in Bolivia in 1976 were identified, and the whereabouts of the remains of 5 people who had disappeared in Argentina were located21 . The commission consulted with forensic anthropologists regarding the identification of corpses that were discovered on the coast of Uruguay in the 1970's²². Moreover anthropologists were also consulted them with regard to the identifications of the remains that were buried at a cemetery in the province of Buenos Aires²³. In January 2001, a member of that commission, Padre Perez Aguirre died in a traffic accident. Priest Jorge Osorio, a comrade of Perez Aguirre succeeded him²⁴. And the work of the commission lasted until the end of 2002.

The commission presented a preliminary report in October 2002. The final report was submitted to the president on 10 April, 2002. In Informe 2000, SERPAJ-Uruguay listed 28 Uruguayans and the 4 Argentines who had disappeared in Uruguay, 121 Uruguayans who had disappeared in Argentina, 2 in Paraguay, and 4 children in Argentina who were still missing²⁵. The final report highlighted 26 cases that had occurred in Uruguay and concluded that the main cause of death was the torture that they had suffered at the secret concentration camp. It was unable to clarify whether the military dictatorship was responsible for the 4 cases of disappearance, including the Olivar Sena case (according to SERPAJ-Uruguay's own investigation, he had been abducted by the dictatorial regime). One person of each from Brazil, Colombia, and Bolivia had disappeared, and the remains of the victim from Bolivia had already been identified. The remains of 24 persons who died in Uruguay after 1973 were buried. At the end of 1984, those remains were exhumed and cremated. The ashes were scattered in La Plata River. The commission proved that 13 persons buried at the cemetery in the province of Buenos Aires were among those who disappeared in Argentina. No objective evidence was found for 42 cases, and only partial information was found for 73 cases.

The report admitted the responsibility of the state. The commission was convinced that there were grave human rights violations during the de facto regime. Illegal repressive methods, tortures, illegal detentions and forced disappearance had been practiced by the public functionaries. It is also observed that the majority of the victims had neither participated in acts of violence directly nor had been incorporated into subversive organizations. Moreover a large number of victims died after the sedition had been subverted and the members of those organizations had been detained in prison.

Finally, the commission made several proposals.

1) Creation of an office for the follow-up survey on disappeared people in Argentina.

2) For the president, to take the initiative to create a special legal category for cases of forced disappearances.

3) Reparation of damage caused by the illegal action of agents of the state to the families of victims, by suit or through the use of administrative method.

In addition, the commission proposed five general suggestions. a) To foster and promote an objective

and conclusive analysis on the tragedy that had happened between the 1960's and the mid 1980's, in order to understand the complex, multiple causes and factors that had been responsible for one of the most tragic and difficult episodes of the Uruguayan national history. This knowledge must be promoted in all dimensions of the society, particularly in the training system of teachers. b) To educate and stimulate those concepts, values and principles such as democracy, which would become essential elements of the nation and guard against all of the violence and arbitrary actions. Democracy is the only formal and substantial instrument for coexistence. Conflicts and disagreements must be solved by dialogue and in a non violent manner. Tolerance and respect for diversity and the rights of others is essential to achieve common objectives in Uruguay's plural and liberal society. The constitutional state should be strengthened. State and state agencies should absolutely obey the law to promote and protect fundamental human rights. c) To criminalize torture, crime against humanity, genocide and forced disappearance in the domestic criminal code. d) To ratify of international conventions to guard and respect basic human rights. e) To create a permanent independent institution to suggest and control regulations and norms for the protection of individual human rights26.

Could the commission achieve its mission?

Although the main purpose of this commission was to discover the remains of those who disappeared and to return them to the families to bring about a reconciliation within the society and to resolve this problem, it was scarcely able to recover the remains. Only 13 cases in Argentina and 1 case in Bolivia could be identified. According to these members of the military and police at that time who provided information to the commission, the corpses of those who disappeared in Uruguay, including those of Elena Quinteros and Oscar Baliñaz were burnt and disposed off in the river²⁷. However, there is no means of verifying these statements.

The commission failed to resolve one of the most famous cases of missing children—that of Simon Riquelo. It was a symbolic case. In July 1976, Sara Mendez was kidnapped with her baby in Argentina by the military. The military separated her from her son in the concentration camp. After she returned from that inferno, in December 1986, she received information that a boy named Geraldo Vásquez who lived in

Montevideo, must be her son. Since Vásquez had refused to undergo a blood test, Mendez pleaded action to carry out a blood test in order to determine the identity of the boy, in July 1989. The Supreme Court dismissed her appeal in December 1997. However before the commission was established, Batlle persuaded Vásquez to undergo a DNA test. Unfortunately he was not Simon²⁸. Where could Simon have been? In March 2001, the commission informed Mendez that her son might have died shortly after they were kidnapped. Mendez decided to search for her child by herself. The commission had no search party. It struck Mendez that the only task that the working group performed was collecting information from human rights organizations. She launched a website for the purpose of investigation. She presented a petition to the president with signatures of 20,262 her supporters in May 2001. In that document, she claimed that the retired colonels José Gavasso and Juan Rodríguez Buratti were criminals, and she petitioned Batlle to take all necessary measures against those military men to reveal the fate of her son. She also prepared to take criminal action against them²⁹.

Simon was finally discovered by Senator Rafael Michelini, the son of Zelmar, and Roger Rodríguez, a journalist of *La República* during their investigation of the Michelini-Luiz Gutíerez case. In January 2002, Rafael Michelini was provided information about a person who knew of Simon's location. On 18 March 2002, a young man of 25 who lived in Buenos Aires was identified as Simon by DNA examination. He had been abandoned at the Clinica Norte, and was sent to an orphanage after which he was adopted³⁰.

FEDEFAM, the organization of families of the disappeared, appreciated that the commission had investigated the occurrences during military regime for the first time in Uruguayan history, and that it had made progress in the identification of certain person in an Argentine cemetery. FEDEFAM also appreciated that the commission brought to light the grave human rights violations in Uruguay, particularly the atrocities caused in cooperation with neighbor countries. However, with regard to the report concluding that the remains of victims who were killed in Uruguay were exhumed, cremated, and then, scattered into the river just before democratization, FEDEFAM seriously questioned whether the military had intended to destroy evidence because they were unable to trust the assurances of the politicians. FEDEFAM would later uncover this decision of the military by trial.

In the matter of the compensation for the families of victims, it was demanded to restore the honor of the victims. FEDEFAM suggested that this could be achieved by a declaration admitting that the forced disappearance was a crime31. FEDEFAM adopted a tough stance with respect to this theme in the communiqué issued on 21 April. It refused to accept the proposal of damages because that proposal concerned compensation to the families of officials who died in the battle against the guerillas. The only kind of compensation that the families wanted was that the truth be acknowledged. There would be no future in a society that has distorted the historical memories. Impunity law not only made it impossible to persecute those responsible for human rights violations, but also covered and distorted the truth. Moreover, Impunity would degrade the rule of law by justifying inhuman actions³². FEDEFAM also blamed that Batlle declared the report fulfilled the obligation of the administration which defined in the Article 4 of el Ley de Caducidad because the commission had lacked authority to administrative obligation³³.

Conclusion

The commission for peace in Uruguay met with only partially success in its mission. It was unable to trace the disappeared children. Only the remains of a few victims were identified. Did the military confess the truth regarding the fate of those who disappeared in Uruguay? There in no means of verifying this.

Nevertheless, the commission was significant in Uruguayan society. The problem of human rights violations perpetrated by the military and the police figured on the political agenda for the first time due to the efforts of this commission. The people could thus voice fears regarding this theme.

The commission positively influenced certain law suits, such as the Berrios case. Although the kidnapping and assassination of Berrios, an ex-DINA agent had occurred after the military regime, in the 1990's, the judges used to applied the impunity law to his case and closed the preliminary hearing. 34 Families of victims attempted to initiate criminal action against civilians responsible for human rights violations, for example, against the ex-minister of foreign affairs regarding the Elena Quinteros case. In late 2002, a criminal investigations of the Michelini-Gutierez Luiz case was opened by a Uruguayan judge 35. As stated FEDEFAM in the communiqué issued on 21 April 2003, the commission for peace provides a starting

point for the recognition of all that occurred under the military regime, and to reconcile the society that was torn apart, not as *punto final*.

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Table 1 Expert's Expectations of Political Future

	Very				
,	Certain	Likely	Unlikely	Impossible	DΚ
Unity of trade unions with student	3 %	14%	33%	44%	6%
Higher Levels of public mobilization	3 %	3 %	33%	55%	6%
with successful general strikes					
Unleashing of social revolution			14%	80%	6 %

Gallup uruguay , Informe Gallup 1970

Nancy Bermeo, Ordenary People in Extraordinary Times: The Citizenry and the Breakdown of Democracy, chap. 4 The Slow-Motion Coup in Uruguay, Princeton Univ. Press, USA, 2003, p.126

Table 2 Expert's forecasts on the Future of Tupamaros

The Popularity and Prestige of the Tupam		
	Yes	No
Will grow	_	
Will remain the same	56%	
Will decrease	38%	
Other responces	6 %	
The Tupamaros—		
Will cause the fall of the government		100%
Will continue its current attacks	95%	5 %
Will be destroyed	1 %	99%
C 11		. C. H. IV. 1071)
Gallup uruguay , Informe Gallup 1971 (Mo	ontevideo	Gallup Uruguay, 1971)

Table 3 Citizen's Preferences for Democracy vs. Military Government

	October 1972	July 1971	January 1971	May 1968
Democratic, even with disorder	79%	78%	73%	71%
Military, strong, ordered	13%	11%	16%	21%
No opinion	8 %	11%	11%	8 %
Source: Juan Rial, Partidos Politicos, Democracia	y Autoritarialis	smo (Monte	evideo : Edicion	es de Banda
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- 5 SERPAJ-Uruguay, Uruguay Nunca Más, p.62.

- 6 *Ibid*.,p.66.
- 7 *Ibid*.,pp.158-159.
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