

@CHAPTER = URUGUAY

Because it is a tiny country which has returned to democracy, a country in which the United States has no large aid program or manifest security interests, Uruguay is not a nation on which U.S. policy is highly visible. But on April 16, 1989, Uruguay held a referendum on an important moral and legal issue, involving the relationship between civilian and military authorities, which deserved U.S. comment. The referendum was to decide whether to preserve or annul a law effectively amnestying military and police violators of human rights responsible for murders, torture and disappearances during the 1973-85 dictatorship. The vote -- an important precedent for transformations from military to civilian rule -- was the result of a two-year effort by victims of human rights abuses, relatives of disappeared adults and children, human rights advocates, and tens of thousands of other citizens who opposed the blanket amnesty. The amnesty law was ultimately upheld by a margin of 52 to 40 percent. The administration, reasonably, did not publicly take sides in the referendum. It must also be noted that the Bush administration only inherited the amnesty situation, since the law was passed in 1987. But the administration failed to take the high road on the issue. U.S. officials argued privately that amnesty was the only politically sensible course, and one prominent official even privately praised Uruguay's Defense Minister, a general prominent in the military regime, whose public comments about the pro-referendum movement had been intimidating and insulting. U.S. officials also contended privately that the Uruguayan armed forces had genuinely stopped exerting political influence, although the Defense Minister's comments on the referendum were clearly politically motivated. The United States thus left the impression in Uruguay that its allies of the past, the abusive military, remain its principal allies today.

We recognize the political delicacy of commenting on a matter submitted to a referendum in a friendly democratic country. But at the same time it is necessary to keep in mind that the egregious human rights practices of the military regime in Uruguay must be judged under international human rights law and that the Uruguayan amnesty violated Uruguay's obligations under international human rights instruments ratified by that nation. In such circumstances, the U.S. government, like other governments, has not only the right but also the duty to find ways to express support for the civilized resolution of past abuses and the reparation of victims. Forgetting or ignoring the pain and legitimate legal claims of the victims will not resolve the issue and will not promote reconciliation or respect for law.

Uruguay does not confront the same human rights problems today. There is free expression, and a functioning democratic system. But abuses do occur, and when they do, the impunity enjoyed by the military and police makes it difficult for civilian institutions to pursue and secure justice. During August and September, three men died in suspicious circumstances while in the custody of the Montevideo police. In one of these cases, there was some evidence of an attempted police cover-up, and in another, a police defendant received the public support of the military and police hierarchies in a show of defiance of the judicial branch. Meanwhile, young Uruguayans routinely face arrest on "suspicion," under a law that permits police to conduct wide sweeps in search of petty criminals; many of the young detainees have allegedly faced mistreatment and intimidation. While these problems have not yet been fully investigated by human rights groups, complaints of abuse have increased. In a society which, in the late 1970s, had the highest ratio of political prisoners to population in the world, where torture was practiced at a highly sophisticated level, for months or years on certain prisoners -- and where not

a single tormentor of a single political prisoner has been punished or even indicted -- the sort of abuse reported today cannot be dismissed as coincidental; it must be seen in the context of the past sixteen years, and taken seriously. The Bush administration appears not yet to have done so.