

# URUGUAY

**During 2005, EAAF conducted two missions to Uruguay to provide technical support to a group of local archaeologists searching for the remains of people disappeared in former military facilities during the 1970s.**

## BACKGROUND

In the 1960s, due to the mounting economic crisis and growing class inequalities, Uruguay experienced popular and political unrest. Conflicts among the political parties, armed opposition groups, predominantly the *Movimiento de Liberación Nacional Tupamaros* (Tupamaros National Liberation Movement, MLN-Tupamaros), and branches of the government led to a gradual breakdown of the parliamentary system. Beginning in 1966, the executive branch increasingly centralized political power, allegedly to stabilize the economy.<sup>1</sup> In 1968, President Jorge Pacheco Areco declared a state of emergency, implementing “prompt” security measures that had been used before to control labor unions and severely limit citizens’ rights. These remained in effect until the end of his term in 1972. The MLN-Tupamaros opposition group began to use greater force in their struggle and the police and the military detained increasing numbers of people for indefinite periods of time.<sup>2</sup> President Pacheco also greatly increased military funding during this period. In April 1972, Pacheco’s democratically elected successor, President Juan María Bordaberry, declared a “state of internal warfare” against the MLN-Tupamaros, allowing the military to carry out an aggressive campaign against them and other political dissidents, and ultimately destroying the movement.<sup>3</sup>

Compared to neighboring countries, the Uruguayan regime killed fewer people, but imprisoned and tortured a very large proportion of the population.<sup>4</sup> With the defeat of the MLN-Tupamaros in the early 1970s, Uruguay’s repressive state apparatus turned against trade unionists, journalists who were perceived to be critical of the regime, and members of

mainstream political parties.<sup>5</sup> Striking union members were reportedly frequently drafted into the military or subjected to mass arrests. Pacheco and Bordaberry both used state of emergency powers to close dissident periodicals and jail their writers. During their terms, Uruguayan military forces allegedly applied torture techniques extensively on left-wing activists.<sup>6</sup> Attempts by the parliament to stem presidential authoritarian rule were ignored or overridden, and the presidents relied increasingly on military force to ensure their position in government.<sup>7</sup>

In 1973, after labor and resistance movements were severely weakened, a military coup dissolved the parliament. Bordaberry remained in office and began to implement a nationwide security policy called the Doctrine of National Security, an anti-communist program partially promoted by the United States.<sup>8</sup>

Hundreds of people fled the country to neighboring Chile and Argentina. However, because of Operation Condor, a covert agreement among military governments in the Southern Cone to exchange counter-intelligence information and political prisoners, those who fled continued to be persecuted in other countries.<sup>9</sup> Of the approximately 180 political disappearances of Uruguayans, 142 are believed to have occurred in Argentina.<sup>10</sup>

Starting in the 1980s, groups such as *Servicio de Paz y Justicia* (Peace and Justice Service, SERPAJ) began to denounce the Uruguayan regime’s abuses and gained the support of much of Uruguayan society. A combination of worldwide recession, popular mobilization, and corruption in the military led the old political parties to join forces against the government, and eventually resulted in national



**View of the trenches made during the excavation led by Uruguayan archaeologist López Mass at the farmhouse in Pando, Uruguay. November 2005. Photo by EAAF.**

elections in 1984. The transition to democracy was negotiated between the military and the opposition; an agreement in August 1984 laid out the plan for a final transition to democratic rule. Uruguay returned to full civilian rule later that year.<sup>11</sup>

During the transition to democracy and throughout the 1990s, SERPAJ and other social movements built popular support for official investigations and trials of those responsible for the repression. In 2000, President Jorge Batlle gave executive support for an official investigation into the human rights abuses that occurred during the 1970s and 1980s. Batlle established the *Comisión para la Paz* (Peace Commission) in August 2000 in response to growing

demands for “historical clarification” of the Uruguayan Dirty War to investigate the country’s history of repression. Shortly after it was formed, relatives of the disappeared immediately began to present cases before the commission.<sup>12</sup>

Until 2005, there had been no official prosecutions of those responsible for human rights violations committed in Uruguay during the military rule. This is because of an amnesty law (*Ley de Caducidad de la Pretensión Punitiva del Estado*) signed in 1986, which protects the police and military from prosecution for crimes committed before March 1985.<sup>13</sup> In a 1989 referendum, which followed a massive two-year nationwide campaign led by relatives of the dis-

appeared urging for the withdrawal of the blanket amnesty, the law was upheld in a close vote (52% to 40%).<sup>14</sup> However, the left-wing *Encuentro Progresista/Frente Amplio* (Progressive Association/Wide Front) government of President Tabaré Vázquez Rosas, elected in 2004, has brought charges against former military government officials for crimes outside the scope of the amnesty law. Since the amnesty law applies only to crimes committed within Uruguay, former President Bordaberry and former Minister of Foreign Affairs Juan Carlos Blanco were able to be charged with involvement in murders that occurred in Argentina.<sup>15</sup> In addition, in September 2006, eight retired military and police officers were indicted for the disappearance of persons in Argentina.<sup>16</sup>

## EAAF participation

In 2001, EAAF collaborated with the Peace Commission on the investigation of cases of Uruguayans disappeared in Argentina. The remains of thirteen Uruguayans disappeared in Buenos Aires were found and identified by EAAF at the time.<sup>17</sup> In 2002, the team recovered the remains of eight individuals from the municipal cemetery of Colonia, Uruguay, where they had been buried in 1976 after washing up on the Uruguayan coast. The bodies are believed to correspond to Argentine citizens who had been abducted in 1976, clandestinely detained, tortured, and thrown sedated from Air Force planes into the river that the two countries share. In 2005, EAAF conducted two additional missions to Uruguay.

On November 28, 2005, Soledad Cibils Braga, member of the now dissolved Peace Commission, requested EAAF's assistance after bones from a human foot were found by a group of Uruguayan archaeologists and anthropologists led by José López Mass on a farm

in Pando, a town 30 kilometers away from Montevideo. The Pando farm had belonged to a couple with alleged ties to the MLN-Tupamaros who had been detained by the Uruguayan Armed Forces during the repression. Their estate was then confiscated by the Air Force.

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According to information provided by the Air Force to Uruguayan Presidential Secretary Gonzalo Fernández, the remains of two Communist Party members, killed under torture at the Capitán Boisso Lanza Air Force Base, had been buried at the Pando farm.

Reportedly, the two murdered individuals were José Arpino Vega, a construction worker who was disappeared in 1974, and Ubagesner Chávez Sosa, a metallurgist who was disappeared in 1976.

On November 29, EAAF member Daniel Bustamante and EAAF consultant Mercedes Salado traveled to Pando. The Uruguayan archaeologists had excavated a grid of trenches around the old farmhouse, of which only the foundations and the floor remained. They had found bones corresponding to one individual buried fifty centimeters below the surface near a eucalyptus tree forest. The body had been placed on the lime-covered floor. The upper half of the remains were also covered in lime. EAAF discussed the procedures to inventory the findings, protect the remains, follow the chain of custody, and preserve the site with the archaeologists. Once López Mass's team finished uncovering the skeletal remains, the Uruguayan police were assigned to guard the area.<sup>18</sup>

The next day the instructing judge, Technical Police personnel, and staff of the Technical Forensic Institute of Montevideo came to document the excavation site and observe the exhumation. Later that morning, families of the victims, members of human rights organizations, and the press were allowed to enter the site and watch as the team conducted the exhumation.

The Uruguayan team, under the guidance of EAAF,

recovered a complete male skeleton in relatively good condition. The remains exhibited no visible gunshot wounds. This was consistent with information provided by the Air Force that the death of the two disappeared individuals buried at the Pando farm was a result of torture. Once recovered, the skeletal remains were taken to the Technical Forensic Institute for examination.

In December 2005, EAAF returned to Uruguay at the request of Soledad Cibils Braga to assist with an excavation at a military base known as Batallion 13, where López Mass's team had uncovered a cranium buried under a cement floor at a depth of between 80 and 90 centimeters. For security reasons, the work was conducted with the presence of army personnel, the excavation was filmed, and security cameras continuously monitored and recorded the site. The instructing judge, the Presidential Secretary, members of the Organization of Mothers and Relatives of Disappeared Detainees in Uruguay, Technical Forensic Institute staff, the Army Chief, and other military personnel were present.

The anthropologists cleared the area, fully exposing the edges of the burial site. They found that stone and concrete had been poured over the body. However, the cement did not reach the body and the stones were loose below the layers of concrete. Thus, the team was able to remove the concrete structure and uncover the complete skeleton. The clothing recovered included socks, an elastic band (possibly from a pair of men's underwear), a cord tied around the neck (consistent with testimonies of prisoners held at that same military facility, this could be from an identification sign commonly placed on detainees), and textile remnants from a coat or blanket which covered part of the torso and the upper half of the legs.

The cranium was fractured during the removal of the concrete; nevertheless, the team was able to retrieve all the dental pieces of the upper jaw. The position of the skeleton's arms suggested that the hands may have been tied with both wrists together on the back; one foot was flexed.

Once the skeleton was fully exposed, the press was allowed into the working area to document the findings. After the necessary judicial procedures were

completed, the team exhumed the lower extremities, cranium, arms, and pelvis. Since the thorax was in a fragile state, it was lifted as a whole block and then transferred to the Technical Forensic Institute.

During the excavation, Presidential Secretary Gonzalo Fernández announced that President Tabaré Vazquez had authorized EAAF to take samples from the skeletal remains found at Pando for genetic analysis at LIDMO, Argentina. Forensic Technical Institute officials provided the team with these samples, as well as with blood samples from the relatives of José Arpino Vega and Ubagesner Chávez Sosa. EAAF conducted an anthropological analysis on the remains from the two sites excavated in 2005 and sent the DNA samples to LIDMO and to the Uruguayan Scientific Technical Police. In 2006, the remains were positively identified as those of **Fernando Miranda Pérez**, a well-known human rights lawyer, and **Ubagesner Chávez Sosa**.

#### ENDNOTES

- Handelman, Howard. "Labor-Industrial Conflict and the Collapse of Uruguayan Democracy." *Journal of Interamerican Studies and World Affairs* 23(4): 371-394. 1981.
- Article 92 of Uruguay's Penal Code, stipulates that the *medidas de seguridad eliminativas* (eliminative security measures) allow for the indefinite extension of a sentence if the detained person is deemed a threat to society.
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- Servicio de Paz y Justicia. *Uruguay Nunca Más*. 1992.
- Weschler, Lawrence. *A Universe: Settling Accounts with Torturers*. Pantheon Books, 1990.
- Pion-Berlin, David. "To Prosecute or to Pardon? Human Rights Decisions in the Latin American Southern Cone." *Human Rights Quarterly* 16(1): 105-130. 1994.
- Handelman, Howard. "Labor-Industrial Conflict and the Collapse of Uruguayan Democracy." *Journal of Interamerican Studies and World Affairs* 23(4): 371-394. 1981.
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- Recently declassified U.S. State Department documents on Operation Condor can be viewed at the National Security Archives website, [www.gwu.edu/~nsarchiv/new/20010306](http://www.gwu.edu/~nsarchiv/new/20010306).
- Servicio de Paz y Justicia, *Uruguay Nunca Más*, 1992.
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- Uruguayan Parliament, Law No. 15848, signed on December 22, 1986, <http://www.parlamento.gub.uy/Leyes/Ley15848.htm>
- Human Rights Watch. *1989 World Report: Uruguay*.
- Amnesty International. *Uruguay Annual Report 2006*. <http://www.amnestyusa.org/countries/uruguay/document.do?id=ar&yr=2006>
- Diario Clarín. Por primera vez procesan a militares en Uruguay por delitos aberrantes. September 12, 2006. <http://www.clarin.com/diario/2006/09/12/elmundo/i-02401.htm>
- See 2001 EAAF Annual Report.
- It was left in the custody of the *Grupo Especial de Operaciones* (GEO), the equivalent of the U.S. police's SWAT team, under the National Police of Uruguay.