

# Producing Human Rights Accountability

The Impact of Transnational Advocacy Networks in Uruguay

# Abstract

This paper examines the impact Transnational Advocacy Networks have had on the process for Human Rights Accountability in Uruguay. Uruguay has an amnesty law in place since 1986, but have in spite of this managed to prosecute main figures of the 1973-1985 dictatorship, and the amnesty law is currently seriously challenged. The 'Network thesis', regards these Transnational Advocacy Networks as key factors to change in accountability outcomes. In an article written by Cath Collins this is contested saying that the impact of these networks is constrained by domestic political and juridical limitations, and changes in these are the very core of change. I have tested her thesis, applying it on the Uruguayan case and agree, arguing that domestic factors and actors have proved to be far more significant than the International Human Rights Network, without denying the importance it has. The field study was carried out through qualitative method research, interviewing prominent actors within the pro-accountability movement in Uruguay in May 2009.

*Keywords:* Post-Transitional Justice, Human Rights, Uruguay, Advocacy Networks, Accountability

# Index

<b>1. Introduction.....</b>	<b>5</b>
1.1 Statement of purpose.....	5
<b>2. Method .....</b>	<b>6</b>
2.1 Choice of field study.....	6
2.2 Scope and restrictions.....	7
2.3 Material.....	7
2.4 Interviewees.....	8
<b>3. Theory.....</b>	<b>9</b>
3.1 Conceptual clarifications.....	9
3.1.1 Accountability.....	9
3.1.2 Transitional justice.....	9
3.1.3 Post-transitional justice.....	10
3.1.4 Transnational Advocacy Networks .....	10
3.1.5 Disappearances / Disappeared.....	11
3.2 Theoretical framework.....	11
3.2.1. Implications of the power-balance.....	11
3.2.2 Acting in a global setting.....	11
3.2.3 Transnational Advocacy Network thesis.....	12
3.2.4.The thesis presented by Cath Collins.....	13
<b>4. Empirical case background.....</b>	<b>15</b>
4.1 Democratic decay in Uruguay.....	15
4.2 Dictatorship, wide-spread repression and violation of human rights.....	15
4.3 The transition.....	16
4.3.1 Negotiating the end - Club Naval Pact 1985.....	17
<b>5.International network's impact on changes in accountability in Uruguay.....</b>	<b>18</b>
5.1 Distinguishing events in the international arena.....	18
5.2 Events defined as mayor accountability milestones and those regarded key actors in this process.....	19
5.2.1 During the years of transition 1981-1989.....	19
5.2.2 The 1990s .....	20
5.2.3 Late 1990s sees an opening in the non-issue situation.....	21

5.2.4 The National Peace Commission – La Comisión para la Paz.....	21
5.2.5 Relentlessness of local Human Rights NGOs.....	22
5.2.6 Change in government attitude regarding the issue.....	23
5.2.7 Referendum for the annulment of the Ley de Caducidad.....	24
5.2.8 Who's integrating the network today?.....	24
5.3 Has there been international attention on the Uruguayan case and has this attention changed over time?.....	25
5.3.1 International networks.....	25
5.3.2 International country reports.....	25
5.3.3 International or foreign court cases.....	25
5.4 How has Uruguay responded to international attention regarding these issues?...26	
5.4.1 Attention and compliance with international treaties.....	26
5.4.2 International vs. National legislation. ....	27
5.4.3 Detention of Pinochet in London 1998.....	27
<b>6 Conclusions.....</b>	<b>28</b>
<b>7 References.....</b>	<b>30</b>
7.1 Academic writings and internet sources.....	30
7.2 Judicial documents.....	31
7.3 Interviewes.....	31
<b>Appendix – Interview questions. ....</b>	<b>32</b>

# 1. Introduction

In 1985 Uruguay re-established its democratic rule after 12 years of military dictatorship. Cries for justice and accountability was heard, and in 1986 the general assembly passed an amnesty law, imposing an immediate expiry date on crimes committed by the police and armed forces up until March 1985. However the calls for accountability did not disappear. October 25th 2009 a referendum will be held whether or not to annul this law.

Human Rights are one of the most common issues amongst NGOs. Human Rights issues are also prominent in state affairs and inter-state relations. Defenders of these rights might integrate a Transnational Advocacy Network, pressuring political leaders, setting agenda, shaping discourse and eventually changing outcome in processes related to the issue. But is the international network key in processes for Human Rights accountability or are there other factors that need to exist before change can come about?

## 1.1 Statement of purpose

The aim of this study is to examine the impact transnational advocacy networks and international human rights law have on national processes regarding accountability of past human rights violations.

The issues at question is:

*What significance or impact have transnational advocacy networks and international human rights law had on the process of attaining accountability for Human Rights Violations committed in relation to the Uruguayan dictatorship 1973-1985?*

To structure the work I distinguished sub-questions I believe hold the key to the answer:

- Which events or actions in the international arena are likely to have had an impact on Uruguayan accountability outcome?
- Which events are regarded from within as milestones in this issue since 1985?
- Which actors have been key in this progress?
- Has there been international attention on the Uruguayan case and has this attention changed over time?
- How has Uruguay responded to international attention regarding these issues?

## 2. Method

I have carried out a field study using qualitative research method to establish the impact and importance of actions and relations between local and global actors. There is an important point to using qualitative method that Mange Holme and Krohn Solvang catches with the following phrasing: “if we are to understand the situation in which individuals, groups and organizations find themselves we need to attempt to get close to them” (*my translation*) (1986:92). It is easy to get carried away by the idea of a global civil, -legal and -political society's impact on local settings, therefore I believe it calls for studies on the ground, close to the scene of action. The very aim of qualitative method is to, through analysis, achieve the most accurate reconstruction and understanding of the structures, actions and social order found amongst the participants of the investigation (Mange Holme and Krohn Solvang 1986:93). I have tried to do this as far as possible given the limiting circumstances such as time and locality by conducting interviews structured by theoretical considerations, with key figures in the Uruguayan movement for accountability for past human rights violations.

### 2.1 Choice of field study

The article with the thesis providing the theoretical focus is written by Cath Collins. It presents a comparative study between Chile and El Salvador, countries chosen by their time of transition, the broad and durable amnesty laws granted to the military, and the transnational actions taken against the same. Uruguay however does not have the exact same characteristics, there has been no great transnational case against their military and its transition took place in 1985. However it is a country interesting to test Collins theses for three major reasons. Uruguay was one of the in various ways interconnected Southern Cone dictatorships. Uruguayan lawyers have managed to prosecute leading military at home, despite existing amnesty law. And last but not least as the Uruguayan amnesty law, *La Ley de Caducidad* (Law of Expiry) in 2009 is challenged at a previously unknown level in the country. End of April this year a campaign to annul this law was successfully completed calling for a referendum on October 25<sup>th</sup> 2009.

Another fact that legitimized a case study on Uruguay is that the country has had far less attention in academic research regarding these issues than the other Southern Cone countries. As I began searching for scholarly work treating the issue of amnesty and accountability in Uruguay, I found that it is very scarce. Even roaming through the shelves of the best bookstores and the university of Montevideo, it was very hard to find written studies on the topic. This further convinced me of the interest the investigation ahead might have as there's definitely a blind spot in the academic coverage on this issue to fill here.

## 2.2 Scope and restrictions

This paper aims at examining as to what extent transnational advocacy networks and international legal regime has an effect on national policies regarding accountability for HR violations committed in relation to the Uruguayan dictatorship 1973-1985. However, due to the restricted time and length of the paper, such insights can only be aspired to be met partially and to make the it tangible another delimitation was made. The impact of the international sphere in the national processes for accountability was assessed from within the 'receiving' or 'host' nation. Speaking to key actors working with this issue in Uruguay, I felt was perhaps the most reliable source as to establish the ups and downs of this process and their causes and consequences. Therefore, work carried out by international actors named by interviewees is regarded as more important than the work and actions that is normally regarded as pivotal. That means the major part of my findings are based on the knowledge and experiences from some of those most active in the national process.

Due to the scope of this paper, the number of interviews needed to be restricted. That means that one must take into account the risk that the interviewees would enhance their own part played in the process, leaving me with the possibility of misleading results. To avoid this as much as possible and to attain substantial and reliable empirical information, the selection of interviewees was essential. After having carried out necessary research I chose to interview actors from different spheres of 'activism', all central actors with a long trajectory and/or extensive knowledge about the Uruguayan example; lawyers, a politician, family members and NGO representatives.

Having clarified the restrictions and the implications they could bring about, I do want to emphasize my sincere belief in that the method I chose of carrying out interviews with key actors in Uruguay, and the complementing research, does provide me with solid and reliable dates, from which I will be able to draw accurate conclusions.

## 2.3 Material

The theoretical and methodological base comes from secondary sources such as academic writings, books and articles. I also turned to internet sources for information on empirical dates: names, events and so on. Aware of the problem of reliability of internet sources, I always cross checked my findings, with more official, and/or several different pages.

For the empirical chapter I have used both secondary and primary sources from the interviews I carried out. The answers and the information I have used are compared with each other and other literature, so as to check validity and reliability.

## 2.4 Interviewees

I carried out five interviews, ranging from 40-90mins with actors that I believe cover a significant part of the 'pro-accountability movement' in Uruguay. These are:

**Oscar López Goldaracena** - Human Rights Lawyer.

Represent victims and relatives of HR Violations related to the dictatorship. Has worked actively for Human Rights in various organizations and as an independent lawyer for many years. Represented the victims in the trial that led to the imprisonment of ex-dictator Gregorio “Goyo” Álvarez in December 2007.

**Dr Felipe Michelini** – Sub-secretary at the Ministry of Education & Culture. Frente Amplio, FA.

His father, Zelman Michelini was a progressive politician in the early seventies who was assassinated in Argentina 1976. Works actively for Truth and Justice.

**Mauro Tomasini** - National Coordinator, SERPAJ (Servicio Paz y Justicia) Uruguay

The first Human Rights NGO in Uruguay. SERPAJ actively worked for the victims of, and against the oppression and the poverty during and after the dictatorship. When I refer to SERPAJ in this paper, I always refer to SERPAJ Uruguay.

**Martín Prat** – Lawyer and director of IELSUR (Instituto de Estudios Legales y Sociales de Uruguay). 'Institute for Legal and Social Research in Uruguay' (*own translation*) IELSUR provided legal assistance to victims from the early 1980's.

**Luisa Cuesta & Oscar Urtasun** – Members of Madres y Familiares de Uruguayos Detenidos Desaparecidos

Organization made up by mothers and relatives of disappeared detainees. Initiated in the 1970s, the organization has relentlessly tried to keep the issue of the disappeared alive.

## 3. Theory

This paper moves within the theoretical fields of Network Activism and Transitional Justice. I will be testing the thesis presented by Cath Collins in her text *Grounding Global justice: International Networks and Domestic Human Rights Accountability in Chile and El Salvador* (2006), in which she contests one of the most influential works regarding the impact of transnational advocacy networks in transitional justice, *Activists beyond Borders* (1998) by Margaret E. Keck and Kathryn Sikkink.

### 3.1 Conceptual clarifications

Before presenting the thesis used as framework in this investigation, I will operationalize the key concepts used.

#### 3.1.1 Accountability

I will use the definition used by Collins, as " the pursuit of justice through criminal or civil prosecution of individual perpetrators of past human rights crimes" (Collins 2006:712).

#### 3.1.2 Transitional justice

Transition to institutional democratic rule is in many cases an arduous process. However once accomplished, other parts vital to achieve a 'healthy' society, such as reconciliation, may still be far away.

Transitional justice refers to the measures and actions taken when trying to come to terms with perpetrated Human Rights violations, in order to attain reconciliation. Transitional justice theory originated in the Latin American experiences of the 1980s. They tended to be very cautious and concerned about reversal to authoritarianism and as a result, pessimistic about the democratic stability (Collins2008:21). The core of transitional justice is made up by prosecutions, truth-seeking and reparation (Naucler2007:4), and due to above mentioned reasons a trade off in accountability for atrocities perpetrated was made to gain stability. This meant that the outcome was often a non-existing court justice with blanket amnesty granted the military, and in many cases truth commissions, as a kind of truth for justice trade-off (Collins 2008:21). The practice, widely applied, argued the democratic institutions to be too fragile, and the

judicial systems unfit to deal with prosecutions. However, these theorists largely neglected the question of for how long these conditions could be expected to remain, and what would happen when they did no longer, or perhaps more importantly, how the courts in the later changed settings should tackle the issue (ibid.:22).

### 3.1.3 Post-transitional justice

In many Latin American countries the issue never faded away completely and by the mid '90s there was a resurgence of attempts to address the issue of past human rights violations, often by trying to undermine the amnesty laws. In some countries it was also a noticeable “increased responsiveness to private legal claims” by the parts of the domestic judicial branches(Collins:2008:22).

A great difference is that whilst transitional justice largely was a top-down, state enterprise, the post-transitional accountability attempts is mainly driven by “non-state actors, incl. individual claimants, lawyers and Human Rights organizations” (ibid.).

### 3.1.4 Transnational Advocacy Networks

“Networks are forms of organization characterized by voluntary, reciprocal and horizontal patterns of communication and exchange” (Keck & Sikkink 1999:91) made up by internationally active issue-driven actors sharing “values, a common discourse, and dense exchanges of information and services.”(ibid.:89). The human rights networks are primarily constituted by lawyers, survivors, international and domestic human rights NGOs; international and regional intergovernmental organizations; private foundations and parts of some governments. According to Keck & Sikkink the most important international organizations in the Latin American case are the UN Committee on Human Rights, UN Commission on Human Rights, Inter-American Commission on Human Rights(IACHR), Amnesty International, Americas Watch, the Washington office on Latin America as well as some domestic NGOs, and European foundations that help fund these (Collins 2006:712; Keck & Sikkink 1998:808). However, not all of the above mentioned always form part of an advocacy network, but it seems as international and domestic NGOs almost always play a key-role in providing society with information and pressuring those more powerful to take a standpoint (Keck & Sikkink 1998:89,92).

These networks are naturally not always successful, nevertheless they seem to be “increasingly important players in policy debates at the regional and international level.” (1999:89) . In this paper, I will refer to transnational advocacy networks simply as transnational or international networks.

### 3.1.5 Disappearances / Disappeared

The word “disappearances” refers to kidnappings and murders not acknowledged by governments (Loveman 1998:478) and perhaps needless to say “disappeared”, those submitted to these.

## 3.2 Theoretical framework

Below follows the presentations of the theses that provide the base of this paper, and the political and legal settings in which these networks are to act.

### 3.2.1. Implications of the power-balance.

As various scholars conclude, the outcome of conflict or an authoritarian military regime seems to be largely dependant on whether the end was due to military defeat or a negotiated settlement. The type of ending affects the power balance between the former and the new regime. In consequence, leaders and those compliant of a defeated regime runs a larger risk of being brought to legal justice than do the leaders stepping aside in negotiated settlements (see for ex. Agüero 1998; Sieff & Vinjamuri Wright 1999; Feher 1999). Sieff & Vinjamuri Wright claims that in the case of negotiated settlement, prospects for national prosecutions are very slim, and external intervention will probably be required for legitimate prosecutions to take place (1999:2). Nevertheless, in the case of negotiated ending, where amnesties and lack of pressure for transitional justice from the new regime is the outcome, it does not by any means guarantee an end to the story. In many cases, the issue of transitional justice and accountability for past crimes, remains simmering and called for with varying intensity by national and international civil society actors. These demands are likely to be more silent during transition in fear of the return of the old regime, but as the democratic institutions become consolidated the fear of repercussion weakens and voices may once again be raised addressing the issue.

### 3.2.2 Acting in a global setting.

Within the globalization research, attention has been paid to in which way globalization affect national politics, as well as international law in relation to national judicial sovereignty. Held, McGrew *et al.*: defines this globalized time and setting in which we today act as:

".. first and foremost, a *stretching* of social, political and economic activities across frontiers such that events, decisions and activities in one region of the world can come to have significance for individuals and communities in distant regions of the globe. In this sense, it embodies trans-regional interconnectedness, the

widening reach of networks of social activity and power, and the possibility of action at a distance. Beyond this, globalization implies that connections across frontiers are not just occasional or random, but rather are regularized such that there is a detectable *intensification*, or growing magnitude, of interconnectedness, patterns of interactions and flows which transcend the constituent societies and states of the world order." (1999:15)

This draws up the setting in which human rights-work to a large extent is carried out today, however the purpose of my study is to see as to what extent these international networks has a driving effect on changing accountability outcome in the state where these crimes were committed.

There are diverging views on the importance of international actors in national accountability processes. Cath Collins, challenge a prominent thesis regarding third country action; the 'Network thesis' according to which the work of what can be called a 'transnational advocacy network' is regarded key factor to changing accountability outcomes (Collins 2006:714,717).

### 3.2.3 Transnational Advocacy Network thesis

According to the *Transnational Advocacy Network* thesis accountability change is a symptom of an emerging global human rights regime (Collins 2006:714,717). "This regime is held to challenge the traditional model of an international system composed of sovereign states, inasmuch at it is driven by private activism rather than state-led diplomacy"(ibid.717). Vinjamuri & Sieff write that the strategies and action taken by transnational advocacy networks plays a critical role in bringing the transitional justice issue up on the agenda of key decision makers(1999:3).

Keck & Sikkink's milestone book within this school, *Activists Beyond Borders* (1998), distinguish different stages or ways in which International advocacy networks influence political settings;

"(1) issue creation and agenda setting; (2) influence on discursive positions of states and international organisations; (3) influence on institutional procedures; (4) influence on policy change in "target actors" which may be states, international organizations like the World Bank, or private actors ...-.; (5) influence on state behaviour."

(Keck & Sikkink1998:25)

They wish to call these "stages", to point out the impact increased attention on an issue can have on discursive change of e.g. governments, rendering them more vulnerable to networks claims. The authors repeatedly stress that the formulation of political policies does not necessarily mean active compliance to the same, however a government claiming to protect rights or even having policies to do so, are more easy to be held to its words, and therefore forced to try to comply, which is the ultimate goal.

Further they find that a network influences not only the policies of the target states of a campaign, but can often also reach other states and international institutions (ibid:26).

### 3.2.4. The thesis presented by Cath Collins

Collins' study, focused on accountability in Chile and El Salvador, presents a thesis that questions the concept as well as the practical efficacy of globalized civil society action, 'human rights lawyering' or international law "as a trigger for the prosecution of past human rights violations" in Latin America's Southern Cone (2006:711). Rather she argues in her article that domestic factors e.g. national judicial change, and national actors have proved more significant to promoting these irruptions.

Collins do not by any means deny the importance of the international arena in the progresses of human rights, but she calls for caution about crediting transnational networks and international lawyering with too much impact. The international arena can be a strategic alternative venue for domestic actors, in which to gain support and/or attention and also serve for legal action (Collins 2006:718). This possibility was made real to many activists and complainants in Latin America in 1998 when Chile's ex-dictator General Augusto Pinochet was arrested in London (Collins 2008:22). The construction of the International Criminal Court, ICC and recent years *ad hoc* courts are examples of a more and more accepted international regime of rights. The influence of international actors and law can also be identified in the domestic judicial practice as international legal norms are incorporated and applied in domestic courts (Collins 2006:732). Her conclusions suggests that no matter how impressive the cases, the impact transnational litigation has on domestic settings "is constrained by inherent practical and political limitations, as well as the limited take-up by domestic judiciaries of the international principles on which it relies"(Collins, 2006:737ff). This implies that when we get to the core of accountability change, "domestic legal activism and judicial change are more reliable predictors of post-transitional progress over accountability than is the presence or absence of interest from external actors" (ibid.:712).

To be able to asses the possible impact of transnational networks on domestic factors and actors, one needs to pay rather close attention to the relations between the two settings in the pursuit of accountability for past HR violations. The research carried out by Collins suggested these are not always as strong as it might appear, and that what the transnational network theorists credit denser networks for when it comes to present day impact, might actually be impact exerted by more "isolated or lightly connected" individuals, by strong communication abilities and resort to law (Collins 2006:717,719). She found that in many cases, the relationship between local and international actors was significantly weakened since what she calls the 80's hey-days of North American and European solidarity movements, and that the contacts which the northern actors still relied on in the south, were not always those presently most active in the issue(ibid.:716). Due to these findings she calls for special attention on the density and depth of the north-south contacts, pointing out that just because actions over the same issue are carried out at different locations, does not automatically mean that there is a strong connection between the actors carrying them out, which the notion network

implies. Whilst not denying that international actions can have an impact, in the line of her finding that the domestic actors and factors are key to changes in accountability outcome, she calls for special attention on what the external networks actually can achieve, in "the absence of pre-existing domestic conditions for taking forward accountability debates at the national level"(ibid.:712).

Collins study mainly, but not only, looks at external actors pursuing third-country legal action and prosecution as the method attaining accountability in the so called host-nation. This is not a distinction I will make, rather I will see to the pursuit of accountability for past HRV related to the Uruguayan dictatorship in Uruguay.

## 4. Empirical case background

Before I go into the process for accountability for HR violations related to the Uruguayan dictatorship, I will provide the readers with a brief empirical background. I will not go into depth, as there's no room for it here, but rather try to provide an overlook of the setting in which this work has been carried out.

### 4.1 Democratic decay in Uruguay.

The years previous to the coup were years of political turmoil. The traditional *partidocracia*<sup>1</sup> was in crisis and the activities of the urban armed Tupamaros MLN (National Liberation Movement) met by the armed forces, were clear signs that the political system might be coming to a drastic halt (Caetano & Rilla2004:304). The still democratic regime engaged in forced disappearances, torture, mass-arrests, illegalizing some political parties, and even a death-squadron. The squadron was active before, during and after the dictatorship, used to spread fear and compliance in the population, aiming to finish off organized resistance (Loveman1998:504; Guitierrez 2005:25).

It is now known that the armed guerilla resistance was defeated before President Bordaberry, of the traditional *Colorado* party, invited the military and installed civil-military dictatorship on June 27<sup>th</sup> 1973(Caetano & Rilla 2004:308; Tomasini 2009).

### 4.2 Dictatorship, wide-spread repression and violation of human rights.

As it's Southern Cone neighbours, Uruguayan military was committed to the doctrine of National Security aiming to eradicate the internal and external subversive forces (Loveman1998:486). The militaries collaborated in various ways, part of which is known as the *Operation Condor*<sup>2</sup>. The extent of the methods applied varied. Argentina has an extreme high death toll of 10.000 – 30.000 disappeared (depending on source), whereas in Uruguay the toll is just over 200 persons. Keep in mind that Uruguay is a small country, approx. 3 million inhabitants and that Uruguay reached extraordinary numbers of prisoners, harassments and tortured. The prisons “were geared toward

---

1 Uruguay has a tradition of a far stretched co-participation between the dominant parties Colorados and Blancos. It promoted political stability, but also meant a loss of real opposition.

2 Operation Condor or Plan Condor was the regional co-ordination of repression and state terrorism, incl. Chile, Argentina, Bolivia, Paraguay, Uruguay and Brazil.

psychological torture and systematic destruction of the personality” (Loveman1998:486).

The imprisonments were prolonged and the military aimed to interfere in all spheres of life, a repression “unmatched by other Southern Cone regimes”(Loveman1998:505). In 1976, Uruguay had the highest concentration of political prisoners in the world, leaving Amnesty International estimating that in 1976 1 of 500 were political prisoners and that up until 1983, every 1 in 50 had at some point been imprisoned, often meaning interrogation and torture (Loveman 1998:505). These staggering numbers, perhaps not so surprising as the military criminalized and persecuted “thought crimes” and any attempt “to damage the honour of the armed forces” were behind Uruguay's nickname the “great lockup”(ibid.)

The situation was very difficult, leading one in five into exile (Aguero1998:398), and further complicated by the fact that getting financial aid into the country, whether it being to private individuals or to organizations, was virtually impossible. Out of fear for their safety, few dared to bring in the funding (Loveman1998:506,507) gathered by solidarity movements and the exile community, the two often connected. Up until 1980 the main resistance to the dictatorship, seems to have come from the exile community who kept the eyes of the world open and updated on what was going on (Cuesta 2009, Micheline 2009). Another important actor was Amnesty International. In 1975 they published the first country report on systematic torture and violations on human rights in Uruguay(Tomasini 2009; Micheline 2009). Ivan Morris, Chairman of Amnesty International USA, sent letters to President Bordaberry and urged people around the world to do the same (publ.1976 in New York Review of Books). Locally family members of disappeared had started to meet, but it was a potentially dangerous project. By the end of the 70's a priest helped by granting the church space for meetings (Urtasun 2009).

### 4.3 The transition

In 1980 the military was defeated through a plebiscite on constitutional change and had to abandon their plan to create a *democradura*(Aguero1998: 388)

After the plebiscite, and later after the internal elections of 1982, more activity was made possible regarding the issue of HR violations. However repression was still very much intact and some groups worked clandestine. IELSUR had started to assist persons with legal issues, but the character of their work excluded clandestinity, so instead they made the active lawyers as known as possible. They tried to create networks and close contacts with national and international organisations, such as the *International Commission of Jurists*, ICJ, to let them know what they were working on. It did not assure security but it was a support, and in case something was to happen to any of those active, there would be an immediate international denouncement (Prat 2009).

The support and solidarity from outside of Uruguay was important. They received a lot from the exile community and international organizations which, although not alone, did play an important part in ending the dictatorship, by maintaining strong pressure from outside (Prat 2009).

#### 4.3.1 Negotiating the end - Club Naval Pact 1985

Settled negotiations out of dictatorship, often means that there will be military influence on the emerging democratic order (Sieff & Vinjamuri Wright 1999:2) Due to the military's loss in the referendum they arrived weakened to the negotiations, implying they could not have the transition on their terms but rather had to reach out to maintain part of their power in the new setting (Agüero:1998:388). The negotiations restored the previous political system and constitution, however with an extended function of the National Security Council (NSC) for a period of time. It was also understood that the entering government would not take legal action against military for crimes committed. The military also managed to have a political candidate banned in coming elections; junta chief General Medina appointed Defence Minister in the successor government, and a certain level of autonomy for itself (Agüero 1998: 390).

## 5. International network's impact on changes in accountability in Uruguay.

In the following chapter I will present the findings of the interviews, in accordance to the guiding questions stated in the beginning of this paper:

- Which events or actions in the international arena are likely to have had an impact on Uruguayan accountability outcome?
- Which events are defined as milestones in this issue since 1985?
- Which actors have been key in this progress?
- Has there been international attention on the Uruguayan case and has this attention changed over time?
- How has Uruguay responded to international attention regarding these issues?

### 5.1 Distinguishing events in the international arena.

I started out following Collins' example of defining a few major events in the international sphere, regarded as having a significant impact in the field of Human Rights accountability, or that 'ought' to have an impact on national policy. The point was to see if these were mentioned as some of the most influential events in the rupture of status quo. The events were: the development of the International Criminal Court, ICC and the success of international *ad hoc* tribunals, as these are frequently referred to as pivotal events within International HR development; the arrest of Chile's former dictator Pinochet in London 1998, emblematic case especially for the Latin American context; and the denouncements of Uruguay's legislation and conduct by the Inter-American Commission on Human Rights, IACHR. Only the IACHR was brought up spontaneously by interviewees, apart from the Pinochet case, mentioned only by Tomasini. I will address these in the context they were discussed, below.

## 5.2 Events defined as mayor accountability milestones and those regarded key actors in this process.

Below I present the events that the interviewees spontaneously identified as milestones in the process to attain accountability in Uruguay, for better or for worse. These are milestones that divide the past 24 years in to several stages (Prat 2009). In this subchapter I will also present the results on which actors are regarded key from inside the movement. I present these together as I hope it will make the results clearer.

### 5.2.1 During the years of transition 1981-1989.

During the transitional period from around 1981 to 1989, many organisations were active in addressing the Human Rights issue, fighting for truth, justice and memory (Michelini 2009; Prat 2009).

A month after the return of a democratic government in 1985 prisoners were released. Until this point hope still existed that the missing persons were incarcerated. The realization that this was not the case jump-starts collective action, including all Human Rights organizations - making judicial denouncements and searching for truth and justice (Prat 2009). In these first few years of re-established democracy the human rights network, integrated by both national and international players, had a significant impact addressing the issue and bringing it up on the public agenda (Michelini 2009; Prat 2009; López Goldaracena 2009 Tomasini 2009).

This period end abruptly when as a response to pressure to bring in military for hearings or before justice, Medina drafts a amnesty law, which is passed by a general assembly in December '86 (Ley No 15.848) under threats of institutional destabilization (López Goldaracena 2009; Tomasini 2009). This law puts an immediate expire date on crimes committed up until March 1985.

All work regarding Human Rights was poured into bringing about a referendum to derogate the Ley de Caducidad in April 1989(López Goldaracena 2009; Michelini 2009; Prat 2009; Tomasini 2009). After a long journey trying to overturn the law in a social context heavily influenced by a culture of impunity, cover-up and censorship, the referendum turned out in favour of the amnesty law which was ratified April 16<sup>th</sup> 1989 (Prat 2009; López Goldaracena 2009; Michelini 2009; Tomasini 2009).

SERPAJ have been pointed out as key in the process since the early '80s and during the transition (Prat 2009, Tomasini 2009, López Goldaracena 2009, Urtasun 2009). They collected dates, testimonies and information about victims and disappeared. The information was presented in different spheres, incl. internationally. It was the base of the Uruguayan *Nunca Mas* (Never Again-report) released in 1989, entirely by civil society actors. The documentation was also used in the National Peace Commission of 2001(Tomasini 2009).

Other key figures are the family members of victims. The large exile community who kept denouncing outside of Uruguay, where it was still not recognized that there existed disappeared persons, torture, political assassinations; the organization

'Familiares de Uruguayos Detenidos Desaparecidos' and some political parties who always carried the human rights issue. IELSUR- that provided legal assistance and the union organization PIT-CNT was also an important figure in this period (Cuesta & Urtasun 2009; López Goldaracena 2009; Michelini 2009), as were FEDEFAM- a Latin American association of family members of disappeared detainees; FUCVAM- working with urban issues of housing and mutual help; and the public schools social and cultural association, SERSOC (social service org.)(Michelini 2009; Urtasun 2009).

During the '80s there were many foreign, mainly European organizations working in Uruguay, and the international connection was strong (Tomasini 2009, Prat 2009). The work of Amnesty International's Uruguay-section, and the 1975 country report are identified as a very important (López Goldaracena 2009; Michelini 2009), as is Human Rights Watch Americas, the International Commission of Jurists and the International Centre for Transitional Justice (Michelini 2009). They have been supportive in different ways at different points of time, but are by none of the interviewees considered close allies in the present work regarding accountability in Uruguay for past HR violations.

The networking and achievement of these groups to bring the issue up on the public agenda in the 1980's corresponds with the network-theorists first stage of influencing the accountability outcome (Keck & Sikkink 1998:25). Collins research shows that many NGOs reported much higher and more frequent contact and support from external actors during the dictatorship than in the present (2006:715), and the Uruguayan case points in the same direction.

### 5.2.2 The 1990s

The loss in the referendum produces an immobility in the Human Rights movement, many organizations disappeared or dissolved and the issues was more or less lost on the public agenda. Hardly any international organizations continued to work actively in or for Uruguay (Tomasini 2009; Prat 2009). As a result, instead of dealing with the past, the culture of impunity and cover-up was consolidated (López Goldaracena 2009).

Some organizations such as SERPAJ, Familiares de Uruguayos Detenidos Desaparecidos (Familiares), IELSUR and the Uruguayan exile community kept trying to keep the issue alive during the '90s (Michelini 2009; López Goldaracena 2009). Amnesty International had some importance (Michelini 2009; Prat 2009) but they never made any specific announcements, as they did not want to get involved in national politics. Some smaller more radical leftist groups were also active, but these were the only ones (Prat 2009).

October 2<sup>nd</sup> 1992 the IACHR, presented a report, Informe No 29/92, regarding the incompatibility of the Uruguayan amnesty law La Ley de Caducidad, with the 'American Declaration of the Rights and Duties of Man', and the 'American Convention on Human Rights'. It expressed concerns about seriousness and impartiality of the military judges in charge of investigating cases the executive power had found excluded by the Ley de Caducidad. It recommended the government to investigate and prosecute, as the cases concern Human Rights protected by the 'American Declaration of the Rights and Duties of Man', and the 'American Convention on Human Rights' (López Goldaracena 2006:90-98).

During the entire '80s and '90s the relationship between civil society and government was highly dysfunctional. Societal violence prevailed with threats, bugging of telephones, assaults etc. There was no support from state whatsoever regarding the work of the Human Rights organizations, quite the opposite. In this way these years are seen to have had a tremendous, yet reversed impact on the process towards accountability in Uruguay. SERPAJ Uruguay formed a strong relationship with the other regional offices, a network for exchange of information and ideas which was very important, and still is today. They didn't nor do co-ordinate regional campaigns, but learn from each other's experiences (Tomasini 2009).

### 5.2.3 Late 1990s sees an opening in the non-issue situation

In 1996 things slowly start to change. At the initiative of senator Rafael Michelini (Michelini 2009), the first *Silent March* is held on May 20th . This date was already a historic date in Uruguay, but from here on it took on another meaning. Exactly 20 years earlier Zelmor Michelini and Héctor Guitierrez Ruiz, two progressive and popular politicians were kidnapped, tortured and assassinated in their exile in Argentina. The march was held in commemoration of them and all those disappeared in relation to the dictatorship. It starts as a smaller event but rapidly grows. In 1998, over 10.000 persons, an enormous number in Uruguay, take to the streets and marches in silence for truth and later also -for justice. From then on the issue grew from having been a non-subject basically since 1989, into something of more importance again for the Uruguayan society(Prat2009; Tomasini 2009). The march called to the sensibility of the population, somewhat toning down the party politics associated with the issue. Tomasini explains: -There were no political banners or shouting of slogans, it was in silence. It wasn't that a mother lost a *guerillero*, it stressed the fact that a mother had lost her child and a child its parent, all due to state oppression. This approach brought people closer, and produced an impact on the process for Truth and Justice, due to the amount of people that showed up (Tomasini 2009).

### 5.2.4 The National Peace Commission – La Comisión para la Paz

The final years of the '90s sees a rise in NGO activity regarding Human Rights. The silent marches are attracting thousands and the leftist parties once again start to address the topic (Michelini 2009). Until now all political parties and governments regarded the past atrocities as something left behind as of the 1989 referendum. Nothing more to be done, nothing more that would be known, society had already turned page. Then, in 2000 Dr. Jorge Batlle from the traditional right-wing Partido Colorado becomes president and promises to form a National Peace Commission and look into what had happened to the disappeared (Prat 2009).

Batlle wanted to break with the impunity or at least to find some the truth to what had happened, to address the issue of memory (López Goldaracena 2009). He was

against the dictatorship and military (Tomasini 2009) but the commission didn't possess any real strength, it wasn't given mandate to investigate and it came out with truths that later on with the judicial advances, turned out to be false. It was a way for government to "wash their hands"(López Goldaracena 2009), a poor attempt to close the issue once and for all (López Goldaracena 2009; Urtasun 2009). However it was a small step on the way, for the first time the president met with family members of victims, and that did have an impact (Michelini 2009; Cuesta & Urtasun 2009). The most important effect was that it recognized the disappearances (ibid.; Tomasini 2009) and for the first time the state admitted that crimes had been committed during and before the dictatorship. It was also made public that the MLN, the Tupamaros on which the blame had been laid, had been defeated before 1973. Up until this point many were still not aware of what had happened (Tomasini 2009). What this meant for the general public was that many now began to realize that something during this period had been terribly wrong, that the left was not all to blame which removed its monstrous stigma, making it possible for the Frente Amplio to get to power a few years later (Tomasini 2009).

Even though the commission was a shortcoming - highly incomplete and lacking in strength, Jorge Battle was significant. He broke the state silence after 15 years of democracy (Michelini 2009; Tomasini 2009; Cuesta & Urtasun 2009), and allowed for investigations into some cases that produced a revelation to many as of what had been going on, such as cases regarding disappeared in Argentina, Operation Condor, the Elena Quinteros<sup>3</sup> case and the Macarena Gelman<sup>4</sup> case, which exposed the systematic lies of the state saying there were no missing children in Uruguay (Michelini 2009).

The Gelman case was brought to Italian courts in 1998 yet only acted upon in Uruguay in 2000. In 1998 Sanguinetti was in power and had no intention of lifting the topic. This could be a case of international attention and pressure, but it also shows that it wasn't acted upon until a political actor in charge was more accommodating to the issue, in this case President Batlle. This supports the idea of transnational network theorists in as far as lifting the issue in third-country may put pressure on the regime, however the reservation made by Collins regarding the possibility of change without pre-existing domestic settings (Collins2006:712)seems highly applicable here.

### 5.2.5 Relentlessness of local Human Rights NGOs.

The fact that the domestic HR network did what was possible to keep the issue alive, even though it was not on the public agenda and they had no support from government or the judiciary, is key to the process that has taken place in Uruguay (Tomasini 2009, Prat 2009). There was no international network pressing the Uruguayan government, rather they were left to fight on their own. The relentless struggle paid off in 2005 when the circumstances changed completely. The work that they had continued to carry out, made these advances possible (Prat 2009).

---

3 A school teacher that took refuge in the Venezuelan Embassy trying to escape the military. Military entered the embassy and took her away, under resistance from the embassy staff and later, the Venezuelan government. She has never been seen since (Caetano & Rilla 2004:349)

4 In 1998 Juan Gelman, a famous Latin American poet brings the case of his missing granddaughter to the Italian court. In 2000 Batlle promises to look in to the now well known case. Briefly after he states that he has found her (Roth -Arriaza 2004:155) and the story explodes in Uruguay(Michelini 2009).

### 5.2.6 Change in government attitude regarding the issue.

In March 2005, for the first time, a left coalition, the Frente Amplio, FA (The Broad Front) reach government. This is without a doubt the most significant milestone in the process for accountability in Uruguay. Frente Amplio and Tabaré Vázquez are recognized as vital actors for their actions altering the rules of the game (Tomasini 2009; Prat 2009, López Goldaracena 2009).

President Vázquez promised during his campaign, to respect the Ley de Caducidad, but added that he would full-fill its article 4 obliging the executive branch to investigate disappearances. This changed everything. Backed by Human Rights organizations and lawyers, complaints were handed over to judges. The amnesty law procedure then requires the judge to pass them on to the executive branch which decides whether or not to proceed (Prat 2009; López Goldaracena 2006:90), clearly in breach of the classic separation of powers of a democratic state. Up until this moment basically all cases had been included in the amnesty law, leading to the general idea that it was useless. The new government's interpretation found them excluded, and allowed investigations to proceed (Prat 2009; López Goldaracena 2009) supported by the fact that lawyers had found that the law exclude superior officers, civil servants and crimes committed abroad. This lead to the allowance to prosecute former President Bordaberry, General Gregorio “Goyo” Álvarez - symbol of the Uruguayan dictatorship, Juan Carlos Blancos ex-foreign minister, and a group of militaries involved in torture, disappearances and murders in Argentina. They were all arrested, prosecuted and incarcerated (López Goldaracena 2009; Prat 2009 Tomasini 2009; Michelini 2009). The Álvarez case, was also significant as it showed that justice could be reached within the national judicial system (López Goldaracena 2009).

The government also called in military for questioning regarding the disappeared. In these hearings the 'Third Flight' was known, proving the existence of secret transfers of missing Uruguayans exiled in Argentina, back to Uruguay (Michelini 2009). This led to allowance of excavations on military grounds, and the remains of two of the disappeared was found in 2006. This made people conscious about what had happened and the lies and cover-up used to deny their existence (López Goldaracena 2009; Prat 2009; Tomasini 2009).

However, the extent to which the Vázquez government dealt with the issue of past HR violations was not satisfactory to many, and it is decided to once again try to annul the amnesty law, through referendum (López Goldaracena 2009).

The Uruguayan process and dealings with the past does not support the Network theory stating that the Transnational networks play the key role in bringing transitional justice up on the agenda. Here it was a change in government attitude that was the main key.

### 5.2.7 Referendum for the annulment of the Ley de Caducidad.

In December 2005, civil society actors address the issue of annulling the Ley de Caducidad (López Goldaracena 2009). There are two ways to go about it, by parliamentary vote, or by a public referendum.

To start the process civil society actors forms the *Coordinadora Nacional por la Nulidad de la Ley de Caducidad*, here translated as the National Co-ordination to Annul the Ley de Caducidad, or simply La Coordinadora. This is to become an independent space of social-, neighbourhood-, and union organizations along with cultural and political actors with a common notion of human rights. An important point was to initiate this process out of election time, to avoid political party “contamination”. It was not a party-political initiative, and López Goldaracena points out that even the FA government was opposing the proposal in the beginning (2009).

As the issue was neglected on the political agenda, the movement proposed constitutional change through public referendum. This requires the initiating actors to collect 10% of the population's signatures, meaning about 250.000 signatures. These are then passed over to general assembly and on to the electoral court for validation. On April 24<sup>th</sup> and 25<sup>th</sup> 2009, 340.043 signatures were handed over (López Goldaracena 2009; Cronología de la de la anulación 2009).

Before reaching this point, political sectors started to summon to the initiative, even those earlier against, or at least cautious. It was clear that as the campaign proceeded-opinions changed (López Goldaracena 2009).

An important social impact López Goldaracena believes this project to have had, was that it broke the culture of fear that had remained in society regarding the issue of the disappeared and the past repression. Civil society stood up and carried through with a project that concerned issues that had been swept under the carpet on the public agenda for so many years and that turned out to have a great support (2009).

### 5.2.8 Who's integrating the network today?

Due to societal changes and the passing of time, the nucleus fighting for accountability, truth and memory concerning the past is today a small group (Tomasini 2009). Victims and family members of victims, acting without state or organisation support to bring perpetrators to justice have played a pivotal role in this process (López Goldaracena 2009). The organization of victims and former political prisoners CRISOL is regarded of the most important actors in the present struggle as is La Coordinadora and SERPAJ (Tomasini 2009; López Goldaracena 2009). Apart from these, IELSUR, the Union movement and “Familiares” are also pointed out (Tomasini 2009).

The exile community have played a continuously important role providing financial support by bringing witnesses from abroad to court-hearings. Exile-groups such as Nunca Mas in France and in Geneva, exile communities in Canada and Australia, Uruguayan HR organisations in Buenos Aires amongst others, have been an important support in the campaign to annul the Ley de Caducidad (López Goldaracena 2009).

## 5.3 Has there been international attention on the Uruguayan case and has this attention changed over time?

### 5.3.1 International networks

As earlier mention, the part played by international organizations and networks during the dictatorship was indeed important. However, the return of democracy changed the relations. Uruguay was no longer as visible in the international arena, and lost the attention of the international network. It was no longer considered a country that needed special attention regarding Human Rights violations. This also had an impact on the Human Rights organizations left working on the issue in Uruguay, as funding decreased significantly affecting possible actions, and they also lost the international back-up and support they had had before. “This haven't changed, Uruguay today is not the centre of attention of.. anything basically” (Prat 2009).

### 5.3.2 International country reports

The 1992 IACHR report on Uruguay is regarded important event (López Goldaracena 2009), even though it was not really dealt with (Cuesta 2009; López Goldaracena 2009; Prat 2009; Michelini 2009). Prat states that the report was very negative but the case was never passed on to the Inter-American Court, who has jurisdiction so in the end it was left as a negative report (Prat 2009).

The 1975 Amnesty International report, shed light internationally on the Uruguayan violations of Human Rights (Tomasini 2009), but didn't have a effect on national policy.

### 5.3.3 International or foreign court cases

International actions regarding Uruguay take place in Argentina's judicial system. For example, in 2004 Argentina filed for extradition of Uruguayan military accused of being involved in detentions, torture, disappearances in Argentina, but the Supreme Court stated that it was not their call and let government decide, which shelved the case on the grounds that it could compromise “ public order”, a legit exemption according to the extradition treaty made between the countries of Mercosur (Montero 2004). Prat believes requests made could have had an accelerating effect on domestic prosecution, as the cases concerned the same persons accused (Prat 2009).

Uruguayan military was also included in the cases regarding Operation Condor in the Spanish and Italian justice systems. There was never a extradition request filed but Prat believes that there was a feeling of being observed in the Uruguayan justice system, as there was a possibility that requests could begin to arrive. So it might be that the Uruguayan justice system felt that according to international human rights law they

were not playing their part, and therefore allowed for the new interpretation of the Ley de Caducidad in 2005 (Prat 2009). If this was to be the case, the impact of threat of transnational litigation would be significant, but there are no real evidence to prove it. The testimonies given from those interviewed within the movement generally to don't seem to believe so.

## 5.4 How has Uruguay responded to international attention regarding these issues?

### 5.4.1 Attention and compliance with international treaties.

International law making its way into national courts usually do so embedded in domestic law- constitutional, statutory and common law. But sometimes the domestic parts sideline the international ones (Clark 2000:187). The Uruguayan dealing with the past HR violations has been a clear case of this. Not only did they draft an amnesty law in contradiction to international legislation, but the governments failed to comply to recommendations made by the IACHR (Michelini 2009). The report and following non-action, seem to have served more to prove the Uruguayan governments attitude regarding the human rights violations (Prat 2009). Uruguay haven't done anything in response to international critique or reports up until present government. Rather the response was that it was internal affairs and that outsiders should not meddle (Prat 2009).

During the Batlle government some small steps were taken and the FA government has responded a bit more, still within the legal constraints the amnesty law (Prat 2009).

The period of transitions to democracy in the world during the '80s and '90s produced advancements in the academic and judicial field regarding the issues of how to deal with past atrocities. These processes have made parts of the judicial sphere realize the obstacle the amnesty law implies not only to the national constitution, but also to the advancements of international law (Michelini 2009). From 2000, it's possible to see a change in the approach of some judges regarding the related cases put before them (Roth-Arriaza 2004:156).

When the FA government was installed in 2005, López Goldaracena was appointed to oversee the implementation of the Rome Statute in Uruguay. Opportunity arose to incorporate genocide, torture, forced disappearance, sexual abuse against detainees as crimes against humanity, previously not ratified in the national legislation (López Goldaracena 2009). The project was approved unanimously by the political parties in 2006. This update of the national legislation was another key in HR process, as it was later used in the cases against the military (ibid.)

López Goldaracena emphasises that there is tension within the judicial system, between the progressive and conservative currents; and that Uruguay is far behind

regarding application of international law and human rights. There is a lack of consultation regarding the importance and mandate. The bigger advances has come from civil society actors, independent actors, the HR organizations, independent lawyers and so on. Not from the academia (ibid.).

#### 5.4.2 International vs. National legislation.

The issue was first addressed by questioning the amnesty law's constitutionality. Denouncement to the Supreme Court was made but failed as the court established its constitutionality. International action was attempted by denouncing to the IACHR, but in the end it didn't change much either. Prat states: -we were left with our hands tied and addressed civil actions, and even if they led to reparation, they did not lead to truth and even less so to justice (Prat 2009). The present strategy to annul the Ley de Caducidad, is to make possible interrogation of military and eventually judicial proceedings, but the main aim is to get closer to the truth of what really happened. (Prat 2009)

#### 5.4.3 Detention of Pinochet in London 1998.

First when I brought up the 1998 detention of Pinochet did it surface as having had important impact, apart from in the interview with Mauro Tomasini from SERPAJ. The detention raised discussions in society but it also impacted on the political ambient in Latin America, and the belief that prosecutions could become reality(2009). Progress in accountability in Argentinean cases in the end of the 1990s also had the effect of showing society that the cause might not be lost (Tomasini 2009).

Prat describes the detention in London as spurring debates in the legal settings (2009). It also helped open the eyes of the public regarding the amnesty laws, past HR violations and the issue was addressed more in the political sphere. It helped put the issue on the agenda in society, and legitimized the continuous struggle opposing impunity and presenting cases before the courts (Prat 2009; Michelini 2009).

López Goldaracena viewed de event as important only in regard to keeping up hope in society, but he did not regard the event as having had any judicial impact (2009).

These findings goes against Keck & Sikkink's findings that Transnational Network Advocacy, which the Pinochet arrest is a clear case of (see Roth-Arriaza 2004), effects not only the target country, in this case Chile, but can also reach other countries (1998:26). This case did provoke debate, but it did not lead to any judicial changes regarding accountability in Uruguay for these crimes.

## 6 Conclusions

Uruguay is as many other Latin American countries a proof that calls for accountability for atrocities committed against the population, for justice and truth does not go away with time. It is now more than 24 years ago democracy was re-established and 23 years ago since the amnesty law was passed. Nevertheless, two weeks from now a referendum, called for by the population will be held regarding the annulment of this law. This in spite of the fact that key figures of the dictatorship already have been prosecuted, and probably not many more will meet that destiny. It seems rather to be a question of right and wrong, of having the law apply to some but not to others, of having the right to know what happened, and finally end with state compliance to these hideous crimes. However, this paper has not treated the issue of the to be or not to be of amnesty laws, rather if the International Human Rights Network has had an impact on the change in accountability outcome in Uruguay. I chose to do so with the perspective from inside the Human rights network in Uruguay, but I believe it would be interesting for future research to look at this from the perspective of the International Human Rights Networks, or from further inside of institutional politics or the judicial system, to see if there might be diverging views depending on outlook.

It stands clear that the international network was of great importance during the years of dictatorship and transition, providing aid, some security and shedding light on the events occurring in Uruguay, internationally. However, the network thesis claiming that transnational networks are the key to promoting and changing accountability outcomes (Collins, 2006:714,717), clearly falls short in the case of Uruguay, when studied from within the national Human Rights movement.

The record shows that none of the events in the international sphere, within this field of research regarded as pivotal, and others directly connected to Uruguay, were seen to have had a mayor importance. Rather the milestone events recognized from within the movement, were events within Uruguay, largely produced by domestic actors, for better or for worse.

What in Uruguay impeded progress in transitional justice, was the unwillingness of the governments and the judiciary to touch the issue of past Human Rights violations. Rather they actively worked against those trying to do so. It was not the lack of international attention. Nor was it the presence or pressure from outside actors that caused the advancements made in the process for accountability, leading all the way to the prison cells of the main figures of the dictatorship. It was the domestic actors, the Human Rights network, the family members of victims and the political actors deciding that the culture of impunity was not to be upheld. This shows that even in the case of negotiated settlement out of a dictatorship, prosecutions can take place, even without the external intervention that Sieff and Vinjamuri Right regards as a likely to be needed (1999:2). However, it has taken a long time and relentless struggle. Perhaps the situation would have changed earlier, had international focus been upon Uruguay.

The main break came as late as 2005, with the change of government attitude and increased responsiveness by judges. Cases were allowed to be investigated and prosecuted with the help of the legal activism of independent lawyers having found that certain cases were to be excluded from the amnesty law.

As already mentioned, no mayor attention has been paid to Uruguay regarding this issue, since the 1980s. But the international attention given and reports written, have not received any serious response by the state up until 2005.

The, for this issue important, legal and social activism of Uruguay is evident in the emblematic case against General Álvarez 2007, which had no financial support neither from government nor from organizations. It was carried out by the plaintiffs, private person's aid and López Goldaracena (López Goldaracena 2009). I find this is a very clear example of the setting the fight for accountability has been played out in, and what kind of actors have pushed it forward.

The findings of the research undertaken very much goes along with Cath Collins' conclusions that, without taking away the importance of international advocacy networks, at the core of change in Human Rights accountability outcome you find the domestic legal activism and judicial change, rather than the interest or presence of external actors (Collins 2006: 712).

End note: After finishing this paper, but previous to its final publication on Oct. 27<sup>th</sup>, two related events have occurred. Their implications will not be further discussed here, but I do find it likely to be of interest of the reader, and therefore opt to include them briefly:

On October 19<sup>th</sup> 2009 the Uruguayan Supreme Court declared la Ley de Caducidad unconstitutional.

On October 25<sup>th</sup> 2009, the referendum regarding the annulment of this law, turned out in favour of the law. 48% voted for its annulment.

# 7 References

## 7.1 Academic writings and internet sources

- Aguero, Felipe, 1998. "Legacies of Transitions: Institutionalization, the Military, and Democracy in South America". *Mershon International Studies Review*, Vol. 42, No. 2 (Nov., 1998), pp. 383-404
- Caetano, Gerardo & Rilla, José, 2004. *Historia Contemporanea del Uruguay - de la Colonia al siglo XXI*. 2nd edition. Montevideo: Editorial Fin de Siglo.
- Clark, Roger S., 2000. "How international Human Rights Law affect s Domestic Law" in: *Human Rights – New Perspectives, New Realities*. Eds. Pollis, Adamantia & Scwab, Peter. London, Lynne Rienner Publishers
- Collins, Cath, 2006. "Grounding Global Justice: International Networks and Domestic Human Rights Accountability in Chile and El Salvador" *Journal of Latin American Studies*, 2006 Vol. 38 No. 4, p.711-738
- Collins, Cath, 2008 *State Terror and the Law : "The (Re)judicialization of Human Rights Accountability in Chile And El Salvador"* in: *Latin American Perspectives*, Issue 162, Vol. 35 No.5, Sept 2008, p. 20-37
- Cronología de la de la anulación 2009. Por la Nulidad de la Ley de Caducidad <http://nulidadleycaducidad.org.uy/node/67>
- Gutiérrez, Maria, 2005. *Staten och civilsamhället i Uruguay - En fallstudie av MR-organisationers demokratibyggnadsfunktioner*. Lunds Universitet, Statsvetenskapliga Institutionen.
- Keck, Margaret E. & Sikkink, Kathryn, 1998. *Activists Beyond Borders- Advocacy networks in International Politics*. Cornell University Press, Ithaca and London.
- Keck, Margaret E. & Sikkink, Kathryn, 1999. "Transnational advocacy networks in International and regional politics" in: *International Social Science Journal*, March 1999 p.89-101

López Goldaracena, Oscar 2006. *Derecho Internacional y Crímenes contra la Humanidad*. 2nd edition. Montevideo: Serpaj.

Loveman, Mara, 1998. "High-Risk Collective Action: Defending Human Rights in Chile, Uruguay, and Argentina". In: *American Journal of Sociology*, Volume 104 Number 2 (September 1998): p.477 –525

Mange Holme, Idar & Krohn Solvang, Bernt, 1986. *Forskningsmetodik - Om kvalitativa och kvantitativa metoder*. Lund : Studentlitteratur.

Montero, David, 2006. "Uruguay Won't Extradite Ex-Generals Tied To Operation Condor". On website: *Albion Monitor*, September 23 2004  
<http://www.albionmonitor.com/0410a/copyright/uruguayblockcondor.html>

Morris, Ivan 1976. Torture in Uruguay in *New York Review of Books* Volume 23, Number 4, March 18, 1976. <http://www.nybooks.com/articles/8915>

Roht-Arriaza, Naomi, 2004. *The Pinochet Effect: Transnational Justice in the Age of Human Rights*. Philadelphia: University of Pennsylvania Press.

Sieff, Michelle & Vinjamuri Wright, Leslie 1999, "Reconciling order and Justice? New Institutional Solutions in Post-conflict states" in: *Journal of International Affairs*, Spring 1999 (page no. not shown in database, page no. referred to as when converted into word doc.)

## 7.2 Judicial documents

Ley No 15.848, 'Ley de Caducidad', 1986.

<http://www.parlamento.gub.uy/leyes/AccesoTextoLey.asp?Ley=15848&Anchor=>

## 7.3 Interviews

<b>Oscar López Goldaracena</b>	Montevideo, Uruguay	6 <sup>th</sup> of May 2009
<b>Dr Felipe Michelini</b>	Montevideo, Uruguay	4 <sup>th</sup> of May 2009
<b>Mauro Tomasini</b>	Montevideo, Uruguay	8 <sup>th</sup> of May 2009
<b>Martín Prat Luisa</b>	Montevideo, Uruguay	4 <sup>th</sup> of May 2009
<b>Cuesta &amp; Oscar Urtasun</b>	Montevideo, Uruguay	6 <sup>th</sup> of May 2009

# Appendix – Interview questions.

This is the base to all interviews, which were slightly altered depending on interviewee and length.

## **National context**

What are your principle work methods?

Which actors have been key in the process for accountability in Uruguay?

What events have been key in this process?

Why do you think the national peace commission was realized in 2000? What effects did it have?

## **International**

Which actors have worked internationally to promote justice and accountability for past human Rights violations during the Uruguayan dictatorship?

Do you find that contacts with international actors have changed a lot over the past 20years, since the dictatorship? (frequency, form, depth, interest)

Events in the international sphere that have had an impact on the processes here?

Do you believe foreign court cases affect national politics?

Which impact do you believe the detention of Pinochet in 1998 had in Uruguay?

## **Connection**

Is it's important to have a close contact with international HR organizations?

What has a more impact, domestic cases/campaigns or international events or court cases?

Is it common to use international law or HR law to promote accountability in Uruguay?

Do you believe the Uruguayan government has paid much attention to international norms, reports and decisions, such as the IACHR, or the UN?

Is there anything else you find of importance or interest in the national – International relations regarding this issue?