

# Memories of Violence and Changing Landscapes of Impunity in Uruguay, 1985–2011

number 5 fall 2012

encounters

Francesca Lessa  
and Cara Levey

## Abstract

This article explores the relationship between memory and justice in Uruguay through a detailed analysis of commemorative initiatives in shifting judicial and political contexts in the aftermath of the 1973–85 civil-military dictatorship. The authors claim that the Uruguayan case is instructive for exploring the interrelationship between memory and justice in evolving contexts of impunity. The article examines state policy and civil society action, delineating two contrasting periods (1985–1994 and 1995–2011) and drawing on two commemorative case studies (the conversion of former state penitentiary Punta Carretas into a shopping mall and the construction of the Memorial to Disappeared Detainees) to illustrate the dynamics of memory and justice and the interplay between state and civil society.

An analysis of how memories of violence are articulated through sites of memory reveals that processes of memorialization are closely connected to the judicial and political landscapes. The case of Punta Carretas exposes the unwillingness to address the past in any form by the national government in the 1980s and early 1990s. The Memorial instead shows that, while the executive remained reluctant to provide justice for past crimes, commemorative projects may be implemented if strong civil society mobilization exists, particularly if supported by the local government.

## Introduction

Since the 1990s, there has been a global upsurge in commemorative activities related to the human rights violations and atrocities that have been committed during dictatorship, conflict, and civil war throughout the twentieth century. Commemoration has encompassed competing narratives on the meanings of specific dates, the recovery of sites of atrocity for preservation and visitation, and the production of testimonies, novels, and films. Alongside the rise in commemorative activity, a body of scholarly work has emerged that focuses on the memory of violence in case studies as diverse as the Southern Cone of Latin America in the aftermath of dictatorship,<sup>1</sup> post-war Europe,<sup>2</sup> and Germany following reunification.<sup>3</sup>

The study of memory has proved appealing to scholars from a variety of disciplines. Indeed, in recent years, memory studies has become a discipline in its own right. Although memory studies emerged initially from the analysis of remembrance of the Holocaust and the two World Wars, from the mid-1990s onwards a new trend can be identified: a preoccupation with, and a focus on, the legacies of the traumatic experiences of state terrorism and political violence in the Southern Cone. Nevertheless, the Uruguayan case remains notably absent from regional and international scholarship and attention. There has been an overwhelming focus on Argentina, arguably because of the very high numbers of forced disappearances in that country, and on Chile, owing to the international publicity generated by the 1998 arrest of the former dictator, General Augusto Pinochet.<sup>4</sup> A wealth of research on the memory of the recent civil-military dictatorship (1973–85) has nonetheless emanated from Uruguay itself, undertaken by historians such as Gerardo Caetano, Carlos Demasi, and Aldo Marchesi; social scientists such as Juan Rial and Carina Perelli; psychologists such as Marcelo and Maren Viñar; and Hugo Achugar, a cultural theorist;<sup>5</sup> alongside the publication of a significant number of testimonies by former political prisoners and leaders of the armed left-wing organization, the *Movimiento de Liberación Nacional-Tupamaros* (hereafter *Tupamaros*).<sup>6</sup> In recent years, more attention has increasingly been paid internationally to the Uruguayan dictatorship and its aftermath, with the appearance of a number of important publications.<sup>7</sup> However, in spite of a few notable exceptions, the nature of repression and the global context pertinent to both the Argentine and Chilean cases have consigned Uruguay to a more peripheral position in the scholarship on memory and the aftermath of violence emerging from the UK and the USA. There is, therefore, a need for an interdisciplinary and detailed study on memory and violence in Uruguay, one that draws on doctoral research undertaken in the UK and on extensive fieldwork conducted in Uruguay. Meanwhile, the past remains an unfinished business, as exemplified by recent debates on Uruguay's impunity law and attempts to recover former detention centers such as Punta de

Rieles and CALEN (*Centro de Altos Estudios Estratégicos Nacionales*) for commemorative and cultural projects. It is, thus, an opportune moment to explore the trajectory of memorialization in the shifting contexts of justice, considering in particular the role of state and civil society actors, and examining the political and societal debates and controversies inherent in these processes. These dynamics are especially noteworthy in the case of Uruguay, as its post-dictatorship governments were the most effective in the Southern Cone in marginalizing discussion about the human rights abuses committed in the recent past. The state successfully imposed a policy of silence and forgetting for two decades after the transition. In spite of this preference for national amnesia, encapsulated in the slogan of President Julio María Sanguinetti of the Colorado Party,<sup>8</sup> “You should not have eyes in the back of your head,” collective and individual memories of violence and repression remained alive nonetheless. In particular, civil society—especially relatives’ and victims’ organizations—has been instrumental in shaping and undertaking memory initiatives in the face of the wall of official silence.

This interdisciplinary article examines the relationship between the memories of violence and the judicial and political spheres, contributing to an understanding of the ways in which commemorative initiatives are shaped in contrasting judicial and political contexts. Analysing the ways in which collective and individual memories of the repression are articulated through urban memory markers and actors involved reveals that processes of memorialization are connected to the broader judicial and political landscapes. Moreover, the case of Uruguay could be instructive for the study of other cases in terms of how a violent past is addressed in the present in a context of predominant impunity.

This article considers the politics of memory in Uruguay from the return to democracy in 1985 to 2011, a landmark year in the struggle against impunity in Uruguay. The first section provides a conceptual overview of the understanding of memory adopted in this study. In the second section, the period of violence under consideration is revisited in order to underscore the importance of its legacy in the present. The article then discusses the interface between memory and justice, by delineating two key periods: Memory in a Time of Impunity (1985–1994) and Shifting Landscapes of Memory and Justice (1995–2011). We explore state policy and civil society action vis-à-vis memorialization and justice for the victims of state terrorism,<sup>9</sup> drawing on two specific case studies to exemplify each period: for the 1985–1994 period, the transformation of the former state penitentiary, Punta Carretas, into a shopping mall, and for the 1995–2011 period, the creation and construction of the Memorial to Disappeared Detainees (hereafter the Memorial).

## 1 Why Does Memory Matter?

*'El olvido está lleno de memoria'* (Mario Benedetti)

Before embarking on a discussion of post-dictatorship memory in Uruguay, it is necessary to set out the authors' understanding of memory and its significance. In many countries, specters of violence remain "fresh in the memory of all,"<sup>10</sup> and these memories are complex and varied across societal sectors and groups. Specific memories may or may not intensify whilst taking on different forms in the present. This explains how memory takes ever-changing forms, and why the contrast between local and national contexts is so appealing to scholars. Once the present becomes the past, memories no longer exist in the same shape, and are supplanted by new memories. Indeed, Sarlo's assertion that "the correct time for memory is the present"<sup>11</sup> thus accounts for the appeal of memory in various spheres; it is "a common good, a duty [...] and a juridical, political and moral necessity."<sup>12</sup> Memory is as much about the present and the future as it is about the past. Memories are not simply recollections about the past; rather, their meanings are fiercely contested. In these memory struggles, questions are posed about what the past means in the present, the meanings of the present itself, and ways of taking the past forward.<sup>13</sup> The past is subject to being reconstructed and rewritten in accordance with the needs of the present as part of "a flexible process of composition and recomposition, of casting and recasting the past in its relation to present circumstances and future expectations."<sup>14</sup>

Central to the (re)construction and manipulation of memory over time are "entrepreneurs of memory":<sup>15</sup> the agents who promote, lobby for, and mobilize around all manner of commemorative initiatives. Memory is not a natural consequence of historical experience, but rather is the result of vast amounts of work carried out by numerous actors, all endeavoring to secure public articulation for their past(s),<sup>16</sup> of which territorial sites of memory such as Punta Carretas and the Memorial are prime examples. Debates over such sites expose and exemplify these disputes, not only because the memories being transmitted are extremely conflictive and complex, but also because the sites and debates involve a diverse collection of actors with different goals, from both the state and civil society. One can differentiate between projects that establish new physical markers, like the Memorial, and sites that are already charged with "history, memories, public meanings and private feelings,"<sup>17</sup> to which new meanings are added, such as Punta Carretas prison. Therefore, the discussion of Punta Carretas and the Memorial reveals markedly different trajectories and outcomes vis-à-vis commemoration, and involves diverse patterns of participation from and by social and political actors (from both the state and civil society). We specifically selected these two sites in light of their diverse natures and the

different judicial and political contexts in which they emerged. We use the examples of Punta Carretas and the Memorial to draw out the implications of the different political and judicial contexts in which the sites developed, and the different goals, actors, and dynamics of commemoration of the past in Uruguay that emerged during two different periods. Furthermore, sites of memory do not transmit one single message, but are places where debates over different meanings and distinct memories unfold, frequently between those who wish to eliminate them and their connection with the past, and others who hope to establish through the sites a lasting link between the past and the present and continuing into the future. This reflects memory's evasion from, and subversion of, linear conceptions of time, and explains how the way in which traumatic events permeate the present is constantly changing.

141

## 2 From the Great Uruguayan Exception to the Torture Chamber of Latin America

When discussing memories of violence, it is important to establish the period of violence in question. Although the Uruguayan experience of state terrorism is the least well known of the Southern Cone, the scope and severity of human rights abuses in the country is comparable to that of Argentina and Chile, particularly in terms of its long-term effects on Uruguayan society. Regarded as the "Great Exception"<sup>18</sup> of the region, Uruguay's long tradition of participatory democracy and the relative absence of military intervention in politics contrasted starkly with the turbulence and authoritarianism that characterized its neighbors.

However, this changed in the 1960s and early 1970s. Against the ideological backdrop of the Cold War and the National Security Doctrine, which emphasized the threat of internal subversion, specifically the spread of Communism,<sup>19</sup> Uruguay was plunged into a vortex of social and political divisions, ideological tensions, erosion of civil liberties, and the employment of torture as a counterinsurgency technique against armed revolutionary groups. At the time, this was a common scenario throughout South America, a region that would soon be characterized by a constellation of military dictatorships, starting from Paraguay in 1954, to later encompass Brazil in 1964, Uruguay and Chile in 1973, and Argentina on two occasions, in 1966 and in 1976.

On June 27, 1973, in the face of increasing economic and political crisis, social and trade union polarization, and political violence, President Juan María Bordaberry of the Colorado Party dissolved Parliament, with the backing of the military, and installed the most totalitarian civil-military regime of the Southern Cone. It is worth underlining that the threat of violence from the armed left had largely subsided already by September 1972; the

*Tupamaros* had by then been dismantled as an armed organization, all of its leaders captured, and almost 2,000 of its members detained in *Libertad* prison.<sup>20</sup> Indeed, all evidence suggests that the threat of the guerrilla was used as a false justification for the coup; in the words of a former Uruguayan president, “The pretext of the guerrilla was a bad one [...] there is no doubt that the guerrilla had been liquidated [...] the coup had no justification.”<sup>21</sup>

Uruguay’s small size and population enabled the regime’s repressive apparatus to infiltrate public and private life; citizens were even assigned a letter designating democratic faith (A, B or C) according to their perceived political reliability.<sup>22</sup> Cultures of fear and “inxile” (internal exile) were predominant at the societal level, and the dictatorship created an oppressive atmosphere aimed at paralysing society and instilling passivity and compliance among the public.

In contrast to the extrajudicial executions and forced disappearances characteristic of Chile and Argentina, the hallmarks of human rights repression in Uruguay were the widespread use of mass, prolonged imprisonment, and systematic torture to such an extent that by the late 1970s Uruguay had “earned” the title of the Torture Chamber of Latin America.<sup>23</sup> The human cost of the dictatorship in a country the size of Uruguay (with a population of approximately 2.5 million at the time) is staggering. Around 500,000 Uruguayans fled into exile; more than 60,000 people were arrested and detained, of which 5,000–6,000 were held as long-term political prisoners. In the 1970s, Uruguay had the highest percentage of political detainees per capita in the world.<sup>24</sup> Compared to elsewhere in the region, Uruguay’s list of disappeared and dead is relatively short. Recent research has found that almost 200 adults disappeared, thirty-two in Uruguay and, as part of the Plan Condor,<sup>25</sup> over 130 Uruguayans were disappeared in the region, mainly in Argentina, but also in Chile and Paraguay. Three minors, kidnapped in Argentina, continue to be classified as disappeared. Finally, there were twenty-six extrajudicial executions.<sup>26</sup>

The Uruguayan experience of state terrorism and human rights violations was no less destructive and traumatic than elsewhere. It just took a different form and should not be understated or merely referred to as a footnote in the history of state terrorism and human rights abuses in the Southern Cone.

### 3 Memory in a Time of Impunity (1985–1994)

In this section, we explore the Uruguayan transition from dictatorship to democracy, discussing political and judicial environments characterized by a general lack of state interest in addressing past human rights violations. In response to the imposition of an official narrative of silence on the Uruguayan populace, as this section shows, civil society significantly mobilized in order to voice demands for truth and justice. The case of Punta Carretas is presented

to illustrate the interplay between the state and civil society in relation to demands for memory and justice, as well as the predominance of the official policy of amnesia until the mid-1990s.

### Chronicle of an Impunity Foretold

Like the majority of transitions from authoritarianism in Latin America in the 1980s and 1990s, the path to democracy in Uruguay was paved through elite negotiations (known as the “Navy Club Pact”) between the commanders of the armed forces and political leaders in August 1984. The logic of negotiated transition made it highly unlikely that members of the dictatorial regime would face judicial proceedings for the human rights abuses committed on their watch. The election of President Sanguinetti in late 1984 confirmed this. The incoming president stated that he would not adopt official policies to ensure justice, but neither would he prevent individuals from presenting cases before the courts.<sup>27</sup> Thus, his attitude toward accountability can be viewed as highly ambiguous from the outset. His administration favored the so-called peaceful change (*cambio en paz*), involving a series of policies aimed at consolidating democracy and addressing the past via non-judicial means, including the release of the large number of incarcerated political prisoners, and the re-integration of both the returning exiled population and the workers dismissed unfairly by the regime.<sup>28</sup> Given that in presidential systems, power is often concentrated in the hands of the executive, Sanguinetti’s role in closing the book on the past is of fundamental importance. Moreover, none of the other political parties wholeheartedly took up the banner of justice.

In spite of this, denunciations of past violations began to be presented to the courts by victims and the families of victims as early as April 1985. By December 1986, more than 700 such cases were under judicial investigation. Consequently, the military became increasingly restless, threatening disobedience and non-compliance with judicial summons to court, placing pressure on the executive to address the issue of potential prosecutions. The question of amnesty for crimes committed during the dictatorship was controversial. After several bills aimed at limiting prosecutions were rejected by Congress, Law N° 15,848 Derogating the Punitive Capacity of the State (hereafter the *Caducidad* Law) was passed on December 22, 1986.<sup>29</sup> The law protected military and police personnel from prosecution for human rights violations committed prior to March 1985, with the exception of crimes with an economic motive; it did not apply to civilian figures of the dictatorship.<sup>30</sup> Over the years, the *Caducidad* Law has constituted a real as well as a symbolic obstacle to judicial investigation into, and the clarification of, the past.<sup>31</sup> The *Caducidad* Law granted the executive the sole power to rule on questions of accountability, limiting the role played by the judiciary. As a consequence, “where the executive has no will or interest to investigate these matters, the

cases will stall in the presidential office.”<sup>32</sup> This was the state of the politics of memory and justice in Uruguay for two decades.

This official approach to the past was contested by certain sections of civil society, notably human rights organizations, the students’ federation, and the trade union. Human rights organizations such as the relatives’ group, Mothers and Relatives of Detained and Disappeared Uruguayans (established in 1983), and the Peace and Justice Service (SERPAJ) (created in 1981) became vocal opponents of the first democratically elected government’s policy on addressing human rights violations, and its failure to find a satisfactory way of dealing with the past.<sup>33</sup> Firstly, in the absence of an official truth-seeking report such as the National Commission on the Disappeared (CONADEP) in Argentina (1984), SERPAJ, supported by victims and relatives, undertook its own investigation, publishing the “Never Again” report in March 1989, which provided a detailed overview of the dictatorial repression, collecting victims’ testimonies and preserving them in written form for the future.<sup>34</sup> The second noteworthy initiative undertaken by civil society was the campaign to subject the *Caducidad* Law to a referendum, drawing on a provision in the Constitution that stipulates that referenda can be held if 25 percent of the electorate signs a petition in support of the initiative within a year of the promulgation of a law. At the ballot box in April 1989, the law was upheld, albeit marginally (55.95 percent in favor of the law and 41.3 percent against).<sup>35</sup> The vote showed that a slight majority of voters was inclined to take the path promoted by the Sanguinetti administration. However, the vote, crucially, exposed the coexistence of “two incompatible logics”: the “ethical logic,” calling for the law’s derogation, and the “state logic,” which was in favor of security and pragmatism.<sup>36</sup> Thus, although the referendum was widely perceived as closing the question of the past, it actually showed the potential impact and scope of civil society mobilization, and also masked the divisions and contradictions that existed under the surface of official state policy. This politics of amnesia was continued by Sanguinetti’s successor, President Luis Alberto Lacalle of the Blanco Party (1990–1995).<sup>37</sup> The period between April 1989 and the end of 1995 constituted a period of official silence, characterized by a total lack of judicial accountability and the government’s stance of forgetting the past. The transformation of Punta Carretas prison into a modern and shiny shopping mall is a clear embodiment of the policies of imposed amnesia that remained dominant until the mid-1990s.

### The Destruction of Memory: The Transformation of Punta Carretas (1989–1994)

The transformation of Punta Carretas prison constitutes an obvious example of a politics of memory that wished to alter citizens’ conceptualization of, and engagement with, sites of violence. Located in the homonymous



neighborhood in the south of Montevideo, Punta Carretas had a century-long history as a regular, all-male prison.<sup>38</sup> The prison was a prominent feature (along with the tramline and the lighthouse) of the neighborhood in the twentieth century.<sup>39</sup> The prison was inaugurated in 1910 and was a crucial part of local history, particularly as regards its role in the neighborhood, and the interaction between neighbors, prison personnel, and prisoners. Prisoners working in the gardens outside the prison were a familiar sight for local residents, and local children played in the car parks and grounds of the prison. From the 1930s until the 1960s, Punta Carretas functioned predominantly as a prison for common male prisoners. However, from the late 1960s onwards, it became the site of detention for political prisoners. In September 1971, it was the site of a jailbreak of 111 prisoners (the majority of whom were *Tupamaros*) through an underground tunnel leading from inside the prison. This was followed by another breakout a year later when thirteen prisoners escaped. For many, particularly ex-prisoners and their relatives, as well as local residents, the prison was a place of great significance in relation to both pre-coup authoritarianism and political resistance. Punta Carretas was the actual site at which human rights violations were committed; approximately 500 individuals were detained in Punta Carretas, which, although not the biggest detention center for political prisoners in terms of detainees, was often the first stop for many of the prisoners who were later transferred to Punta de Rieles and Libertad prisons. Punta Carretas held political prisoners mainly during the period 1972–1974, following the inauguration of Libertad, but functioned as both a political and regular prison until 1978.<sup>40</sup> Punta Carretas' significance is based on its notoriety as a state prison and its location in the center of a busy residential neighborhood, making it a visible and prominent feature of the local landscape. Furthermore, during the dictatorship, the zone around the prison, which had once been a point of interaction between detainees, prison staff, and neighbors, became, like the rest of the city and the country, a "military zone."<sup>41</sup> The gardens ceased to be a place for children to play, and the grounds were patrolled by military personnel. The onset of the dictatorship changed the way in which the residents viewed the prison and had a profound effect on the neighborhood. Furthermore, Punta Carretas prison was part of a larger city and nationwide network of clandestine detention centers and prisons and should be seen in this context. The prisons in Uruguay became symbolic of the dictatorship's repression, surveillance, and control of everyday life; even for those who were not detained, these sites of detention became symbols of fear. Punta Carretas functioned as a continuing symbol in the present of a repression that was still fresh in the minds of many.

Punta Carretas ceased to operate as a prison in 1986 when it was closed following an incident in which a number of prisoners were killed.<sup>42</sup> Significantly, the ensuing discussions about what to do with the former

prison took place at the same time as the referendum campaign to annul the *Caducidad* Law. Competing proposals for the site had emerged in 1989 and had precipitated intense debates, although these received limited press attention. In 1989, a competition was organized by the government to decide what should be done with the prison. Attracting little public and media attention, Punta Carretas was sold in 1991 to the highest bidder—the corporation Alian S.A.—for 7 million US dollars. The national government was directly involved in the sale and transfer of Punta Carretas as the prison came under the jurisdiction of the Ministry of the Interior. This would later cause controversy as the Minister of the Interior, who had been involved in the negotiations, subsequently joined the board of investors of the new shopping center.<sup>43</sup> His role in the deal and the eventual inauguration of the shopping center led to speculation about governmental corruption and accusations that societal calls for public memory had been largely ignored. However, it is important to note that at this juncture societal demands for memory were relatively limited. This was a period of demobilization during which human rights were not afforded much public space for debate and there were few public demonstrations,<sup>44</sup> following the blow dealt to the human rights organizations by their defeat in the referendum campaign in April 1989.

At this point, a general commission was formed by the representatives of the local government, including the architect Salvador Schelotto, the Ministry of the Interior, and neighbors. Another commission was set up specifically to set out the conditions to be adhered to by the architectural team in charge of overseeing the prison's conversion into a shopping center. Eventually, a decree was signed in 1990 between the municipal and national authorities to ensure that as much of the building's structure as possible would be preserved, including the cellblocks, the main entrance door, and much of the façade. It is interesting to observe how the dedicated commission was not concerned so much with the commemoration of victims of human rights violations as it was with the protection of heritage, whereby a building of significance in national and local history was to be preserved. The transformation of the site was completed in 1994 and the shopping mall was opened to the public in July. It now includes a multiplex cinema, shops, restaurants, and even an exclusive hotel owned by the international chain, Sheraton.



*Figure 1. Entrance to Punta Carretas Shopping Mall*

Although prolonged imprisonment was one of the defining features of repression in Uruguay, former detention centers and prisons have not been recuperated as “vehicles of memory.”<sup>45</sup> In the case of Punta Carretas, “there was really no collective debate that was strong enough to defend the place as a site of memory.”<sup>46</sup> Instead, a new hegemonic discourse of public memory was imposed with the inauguration of the shopping mall. This vision reflected an economic and political project that was aimed at transforming Uruguay, promoting and defending the country’s exceptionality as a refuge from the criminal violence and economic instability plaguing its neighbors.<sup>47</sup> This representation masked specific aspects of Uruguay’s recent past, depicting the years of the dictatorship as a hiatus in the country’s long-term democratic stability.



Figure 2. The interior of Punta Carretas Shopping Mall

In this way, the transformation of Punta Carretas constituted another defeat for human rights activism in the 1980s, along with the enactment of the *Caducidad* Law and the subsequent referendum. Moreover, it exposed the tension between a majority that wanted to forget the burdensome legacy of terror and a wounded minority that was unable to do so.<sup>48</sup> Until the late 1990s, debate over these issues was effectively limited to the reduced sphere of human rights organizations and those directly affected. In this context, the memories of the victims became politically invisible and were marginalized to the intimate spaces of private homes and families.<sup>49</sup>

Very often, official memory is the story of victors (or of those who govern), but this does not prevent other versions and alternative readings of the past from existing. Indeed, at any given moment and place, “it is impossible to find one memory, or a single vision and interpretation of the past shared throughout society.”<sup>50</sup> Counter-memories emerge to challenge the official hegemonic memory and the desire for forgetting and moving on from the past propagated by the state. If the 1980s were a time when the executive could control policies of justice and memory relatively successfully, its predominance was increasingly challenged in the 1990s, as the next section demonstrates.

#### 4 Shifting Landscapes of Memory and Justice (1995–2011)

By the mid-1990s, the issue of past human rights violations was beginning to return to the public and social agendas in Uruguay, mainly as a result of continued civil society activism. Focusing on political and judicial environments, this section explores the way in which tensions between state policy and civil society action, described in the previous section, became more acute and took on a public dimension from the mid-1990s onwards. During this period, human rights activists employed strategies to challenge the policy of silence and amnesia that had been imposed. Faced with this opposition, the conduct of the state began to change. Whereas in the 1980s, the state had been a reluctant partner in the movement for commemoration and justice, by the late 1990s, a discernable difference could be seen, particularly between the national and local governments. With this in mind, this section discusses the way in which human rights organizations found a number of willing “allies” in the Montevideo government, in spite of continued resistance from the executive. This section explores the post-1995 trajectories of memory and justice through an analysis of the Memorial to Disappeared Detainees, created and constructed between 1998 and 2002.

149

##### From Complete Impunity to Partial Justice: New Opportunities for Accountability

The question of how to address Uruguay’s recent past resurfaced from 1995 onwards. The period from 1995 to 2011 was characterized by a shift in the national government’s policy, as a result of, and in response to, renewed pressures for accountability and commemoration from civil society, especially from the NGO Mothers and Relatives of Detained and Disappeared Uruguayans and other new organizations established in the late 1990s.

During Sanguinetti’s second term in office (1995–2000), concerns about past abuses were slowly reactivated. This was not at the government’s instigation, but, rather, it was in response to unprecedented events happening both at home and abroad. Alongside developments in the judicial arena, memories of the dictatorship were evoked and given a new public dimension through books, films, and citizens’ debates, and the establishment of novel victims’ organizations, such as *Memoria para Armar*, bringing together former female political prisoners in 1997, and the Association of Former Political Prisoners of Uruguay (CRY@L) in 2000. In addition, the group, Sons and Daughters for Identity and Justice Against Oblivion and Silence (known by the acronym HIJOS), which was formed in 1996, sought to unite the children of the disappeared and the sons and daughters of former political prisoners. Taking their cue from their Argentine counterpart, HIJOS began to carry out the *Escrache*, a public gathering during which participants critique the lack

of justice by naming and shaming a perpetrator of human rights violations, canvassing the neighbourhood in which the individual lives, marching to their home or workplace and alerting their neighbours and passersby to the target's alleged crimes.

The re-emergence of the topic of past violence was indicative of the existence of an increasingly favorable environment for tackling the impunity characteristic of the previous period (1985–1994). This new scenario emerged as a result of different local, regional, and international dynamics. First, the powerful confession in March 1995 of a retired Argentine Navy captain, Adolfo Scilingo, reverberated beyond Argentina. Scilingo admitted his participation in the so-called death flights (during which political prisoners were drugged and thrown out of planes to their death into the Río de la Plata). Indeed, Scilingo's admission had a significant impact in Uruguay, since more than 130 of disappeared Uruguayans were actually disappeared in Argentina whilst living in exile or attempting to escape the reach of the Uruguayan dictatorship. Second, the shock of this new information was catalysed into action by civil society and victims. In April 1996, when the question of confronting past human rights abuses continued to be eschewed by the government, Rafael Michelini, the son of a Uruguayan politician who had been assassinated in Buenos Aires, decided to convene the first March of Silence on May 20, calling on Uruguayans to demand information about the past.<sup>51</sup> The march received unprecedented support; Montevideo's main avenue, 18 de Julio, was flooded with people. Consequently, the march was instrumental in giving memory a public and collective dimension, moving away from private and marginalized memory, to demand instead action and answers from the state. Third, the arrest of General Pinochet in London in 1998 generated strong aftershocks throughout the Southern Cone, as well as internationally, demonstrating that even former heads of state were not beyond the reach of the law. Finally, the "reappearance" of missing Macarena Gelman in 2000 in Montevideo (she was the granddaughter of the Argentine poet, Juan Gelman, who had been looking for her for twenty-three years) triggered a profound emotional outcry among the Uruguayan people, as well as provoked considerable media interest, proving that the kidnapping and identity change of minors had taken place, in spite of government claims to the contrary.

These local, regional, and international events were influential in contesting the predominance of impunity and oblivion, showing how the national policy of amnesia had failed to suppress the past; over a decade later, societal demands for memory and justice were reinvigorated. Until 2000, however, President Sanguinetti managed to retain a hold on his policy of official amnesia. In the late 1990s, various proposals (including setting up a truth commission, mediation by the Catholic Church, and direct negotiations between the military and former members of the armed left) were put

forward to uncover the fate of the disappeared, but none was accepted. The executive maintained the position that the *Caducidad* Law made investigation impossible, accused those seeking information of intolerance and of threatening democracy, or simply ignored them.<sup>52</sup> As in the 1980s, the second Sanguinetti administration remained staunchly opposed to any progress in accountability.

The official policy of forgetting was, however, becoming increasingly unsustainable in light of recent events and rising societal demands for justice and investigation into the past. The newly elected president, Jorge Batlle of the Colorado Party (2000–2005), took over in this new context and was the first president to begin undermining the prevailing policy of impunity and silence, attempting to find a solution to the question of the disappeared. Arguably, Batlle was motivated by the need to respond to this new environment, as opposed to being genuinely committed to the pursuit of justice and human rights. In August 2000 (fifteen years after the first democratic government came into power), the executive created the Peace Commission, the first official body to receive and gather information on the enforced disappearances committed during the dictatorship. The commission's final report in April 2003 constituted the first official acknowledgment of the crimes of state terrorism and confirmed the disappearance of twenty-six Uruguayans in Uruguay, and more than 130 abroad (mainly in Argentina).<sup>53</sup> Batlle's commitment to addressing the wrongs of the past proved rather superficial and short lived, masking yet again the executive's aim to move on from the past. Indeed, the commission's work was restricted to investigating forced disappearances only, thereby neglecting consideration of political imprisonment, torture, and assassinations. Moreover, the Batlle administration never followed up on the commission's recommendations.

In 2005, when President Tabaré Vázquez of the Frente Amplio Party<sup>54</sup> headed the first left-wing government in Uruguay, the spotlight on accountability and justice had become inescapable. Back in October 2002, a former foreign minister, Juan Carlos Blanco, had been charged with the unlawful imprisonment of disappeared teacher Elena Quinteros; the case constituted the first instance of an individual being detained and put on trial for dictatorship crimes in Uruguay.<sup>55</sup> In the same year, missing Uruguayan Simón Riquelo, twenty days old when he disappeared in Buenos Aires in July 1976, had also been finally found to be living (with adoptive parents) in Argentina.

Moreover, the Frente Amplio Party was the one most closely associated with demands for justice. The year 2005 can be viewed as a watershed in terms of judicial investigation into the past. First, adopting the strategy long championed by human rights groups and lawyers, the executive stopped systematically applying the *Caducidad* Law to all denunciations of past crimes. In contrast to previous governments, the Vázquez administration



interpreted the law as being inapplicable in cases of economic crimes, crimes committed by civilian leaders or high-ranking military/police officers, crimes perpetrated abroad, and the kidnapping and illegal adoption of children.<sup>56</sup> This novel interpretation of the law permitted the commencement of judicial proceedings in approximately twenty-five cases involving sixty victims.

In sharp contrast to the 1985–2005 period, justice is now under way in some emblematic cases, including the kidnapping and assassination of Zelmari Michelini and Héctor Gutiérrez Ruiz in 1976. Landmark sentences have been handed down for crimes such as aggravated homicide and disappearance. Additionally, two former dictators, Gregorio Álvarez and Bordaberry, have been sentenced for human rights crimes, the latter also for his role as leader of the government coup of 1973, an unprecedented ruling in Uruguay and Latin America.<sup>57</sup>

Although the executive has played an increasingly prominent role in the search for accountability, opening up new possibilities for judicial investigation, civil society has remained the driving force in lobbying politicians and in helping victims to present cases before the courts. The second *Caducidad* Law plebiscite campaign is illustrative of the crucial role of civil society in maintaining pressure on the government. Twenty years after the 1989 referendum to annul the *Caducidad* Law, another grassroots initiative, this one led by the trade union *Plenario Intersindical de Trabajadores – Convención Nacional de Trabajadores* (PIT-CNT), the students' federation, human rights organizations, victims' groups, cultural and public figures, and some Frente Amplio politicians, called for the nullification of the law through a constitutional reform project. Signatures in favor of the vote, more than 300,000 in number, were submitted in April 2009, and the plebiscite was scheduled for October 25, 2009, when the required quorum of 50 percent plus one vote was not reached, with 47.98 percent voting for the nullification.<sup>58</sup> Nonetheless, unlike the 1989 referendum that had inaugurated a long period of silence both by the state and society at large, the plebiscite instead reinvigorated mobilization, marking the beginning of various activities and initiatives to promote and broaden the discussion on how to end impunity.

Furthermore, on October 19, 2009, the Supreme Court of Justice made a historic ruling, in the case of Nibia Sabalsagaray,<sup>59</sup> ruling that the *Caducidad* Law was unconstitutional and in violation of human rights norms. The *Caducidad* Law has been declared unconstitutional in two further cases in 2010.

The new approach to the *Caducidad* Law has been followed by the new government of President José Mujica of the Frente Amplio Party (2010–2015). However, Uruguay was condemned in March 2011, in the Gelman case, by the Inter-American Court of Human Rights, which contended that the *Caducidad* Law was invalid and incompatible with international human



rights norms, as it prevented the investigation and eventual punishment of those responsible for grave human rights violations.<sup>60</sup> After Parliament's failure to agree on a law outlining a new interpretation of the *Caducidad* Law in May 2011, and in order to comply with the sentence in the Gelman case, the executive adopted a decree in June 2011 allowing the re-opening of investigations in more than eighty cases of human rights violations previously archived under the *Caducidad* Law.<sup>61</sup>

As this section has shown, the landscape of total impunity has recently given way to one of partial justice, with significant progress being made as a result of relentless civil society mobilization. The desire of successive governments to close the door on the past has successfully been challenged in this phase. There has been more space for the demands for both justice and memory in Uruguay since the 1990s, as exemplified by the creation of the Memorial to Disappeared Detainees.

153

### The (Re)construction of Memory: *The Memorial de los Detenidos-Desaparecidos* (1998–2002)

The Memorial to Disappeared Detainees is one of the endeavors to commemorate the victims of state terrorism via a new physical marker of memory that have emerged in Montevideo since the mid-1990s as a result of local government support.<sup>62</sup> The construction of the Memorial is indicative of the increasing number of opportunities for public commemoration as a means of addressing the past, in spite of the executive's reluctance to do so during the 1980s and 1990s. In other words, the Memorial's trajectory shows that memorialization could still be achieved in a context of predominant judicial impunity in Uruguay.

The Memorial to Uruguay's disappeared in the Vaz Ferreira Park has its origins in 1998, when the *Intendencia* (Montevidean city government) convened the members of Mothers and Relatives of Detained and Disappeared Uruguayans. The campaign to construct the Memorial emerged as a joint initiative between the group, the politician Manuel Singlet, and the mayor of Montevideo at the time, Mariano Arana.<sup>63</sup> The members of Mothers and Relatives of Detained and Disappeared Uruguayans were instrumental in pushing the process forward, particularly in lobbying the local government at a time when past violations were occupying a significant place in the public sphere. The local government proposed two different sites: the *Rambla de Buceo*, the busy esplanade running southeast of the city center, or the Vaz Ferreira Park. After much deliberation, the latter was chosen.<sup>64</sup>

The Vaz Ferreira Park, unlike Punta Carretas prison, was not the actual location of events related to the state repression of the 1970s and 1980s. The park, built in the 1950s, is located on the *Cerro*, the distinctive hill located in the south-west of Montevideo, which overlooks the Uruguayan capital and

the Río de la Plata. Significantly, the *Cerro* is featured on the coat of arms of both the region of Montevideo and of Uruguay. The *Cerro* is therefore a visible and well-known local and national landmark, already possessing a high degree of symbolism. Like Punta Carretas, the site occupies an important place in local history and memory. The neighborhood around the *Cerro*, known as Villa del Cerro (formally Villa Cosmópolis), grew rapidly during the late nineteenth century, as the destination for a large number of immigrants from all over Europe and also the Middle East. With the development of technology and the prosperity of the Uruguayan meat industry during the early twentieth century, the community became the site of the *frigoríficos*, the meat refrigeration plants. The neighborhood grew in size and population, as the *frigorífico* workers and their families relocated to the area, and a working-class community emerged and evolved around the *Cerro*. Manuel Esmoris points to the working-class opposition and resistance that emerged during the 1950s when a number of *frigoríficos* were forced to close because of Uruguay's economic problems.<sup>65</sup> As a result of the historical development of the *Cerro*, the neighborhood and the surrounding area became the site of workers' resistance with a working-class identity, distinct from the rest of the city. The struggle of the *frigorífico* workers and the *Cerro's* role as the site of a historic working-class movement was precisely the reason for choosing this site for the Memorial, as opposed to the other sites that had been proposed.<sup>66</sup> The selection of such a site draws a clear parallel between the political and social activism of many of Uruguay's disappeared and the struggle of the *frigorífico* workers.

However, this was not the only reason for choosing the site. It is no coincidence that the *Intendencia* offered the park as one of the potential sites for a memorial to the dictatorship's victims. In a report published by the local government in 1998, outlining the development of Montevideo for the following seven years, the park was mentioned because of problems regarding its maintenance.<sup>67</sup> The park was thus already identified as an area in need of regeneration by the local government, and serves as an example of the convergence of ideological and practical projects (the former promoted by members of civil society and the latter pursued by the local government).



Figure 3. *The Memorial*

In 1999, the *Intendencia* organized a competition to find a suitable project for the Memorial. Rather than receiving government funding, the winning project, designed by the architects Martha Kohen and Rubén Otero, was funded by donations made via dedicated telephone lines, as well as through fundraising events. The campaign was led by the Pro-Memorial Commission, made up of thirty-three individuals, including Javier Miranda, representative of Mothers and Relatives of Detained and Disappeared Uruguayans, as well as local government officials and notable figures from the worlds of the arts, religion, and sport. The commission was also in charge of overseeing the construction of the Memorial. Its composition is particularly interesting, as it involved the participation of a more diverse and broader coalition of societal actors beyond those enlisted for their professional expertise, such as the Uruguayan Society of Architects, and beyond the members of the human rights community. These individuals, selected because they were respected figures, ranged from José d'Elia, former president of the Uruguayan trade union, the PIT-CNT, to the football player Enzo Francescoli and the journalist and radio presenter Víctor Hugo Morales. This broad participation stands in direct contrast to the sale and conversion of Punta Carretas ten years earlier, which was an exclusionary process, characterized by the absence of actors who would, ten years later, be instrumental in spearheading public memory initiatives, as the case of the Memorial shows.

The Memorial was inaugurated on December 10, 2001 and completed in 2002. It takes inspiration from the Vietnam Veterans Memorial in Washington, D.C., and won awards at the Architecture Biennales in Quito

and São Paulo. The Memorial, located in a quiet area, is surrounded by trees. High-resistance glass has been used for the two double walls, framed by metal. The Memorial rests on a geometrical concrete structure, on which natural rocks are left visible. The names of all Uruguayans disappeared during the dictatorship (both in Uruguay and abroad as part of Plan Condor) are engraved on the walls. In contrast to the busy residential neighborhood in which Punta Carretas is located, the tranquil, more remote location of the Memorial, which has spectacular views of Montevideo's bay, evokes tranquillity, peace, and reflection.<sup>68</sup> The site evokes a number of different responses and readings: the idea of a pilgrimage to a place of meditation, the difficulty of coming to terms with such a traumatic past, the fragility of human life, and the mystery of disappearance.<sup>69</sup> The Memorial is a physical reminder of Uruguay's violent past, representing a "symbolic reparation to victims that fifteen years of governmental politics of oblivion wished to condemn to oblivion."<sup>70</sup>



Figure 4. Engraved names visible on the Memorial

Furthermore, the Memorial's trajectory—from conceptualization to construction—reflects the continuing activism of the human rights community and its response to an increasingly favorable local context during the 1990s. The Memorial exemplifies a recent concern with memory initiatives on the part of both the state and civil society.<sup>71</sup> As the Memorial shows, in Montevideo, support from the local government proved decisive in ensuring the success of commemorative processes, in providing the physical spaces for such initiatives, and in facilitating the establishment

of commemorative commissions. In the case of the Memorial, the local government itself worked closely with civil society actors, such as relatives and victims of the Uruguayan dictatorship. Projects such as the Memorial were thus undertaken in the absence of support from the national government for commemoration in a context of continuing impunity. However, in the case of the Memorial, the national government was not altogether absent. The Memorial (while still under construction) was declared a site of “national interest” in August 2000, in an agreement between the Ministry of Education and Culture and the executive. It is noteworthy that this agreement was part of the mandate of President Batlle, the first Uruguayan president to intervene in favor of investigating the past, as discussed above. Although this action is significant and marks a rupture between the Batlle administration and that of previous governments, the national government’s involvement in the Memorial is nominal only, offered once the memorial’s construction had been sanctioned by the local government, funds had been raised, and the project was well underway. Meanwhile, the very nature of the idea of “national interest” reflects the tensions inherent in the executive’s policy regarding commemoration specifically and the need for addressing the past generally. Indeed, such nominal intervention suggests a monument of “interest” rather than “importance,” and is illustrative of the national government’s ambiguous approach to addressing past violence since the end of the dictatorship. Batlle’s intervention is demonstrative of the way in which his government was forced to acknowledge the significance of the Memorial project, but only once it was already in progress. Mirroring the government’s response to developments in the judicial sphere, it is proposed here that, rather than acting out of a genuine commitment to addressing the past, the executive saw that it was necessary to respond to the increasingly favorable environment for commemoration.

Human action is at the heart of the struggles for memory, just as it is central to the struggles for justice. Although the role of local and national governments is often crucial, these processes are largely driven by human rights groups, particularly those directly affected by past violence. The Mothers and Relatives of Detained and Disappeared Uruguayans organization played a key role in the establishment of the Memorial, and this case contrasts sharply with that of Punta Carretas ten years earlier, when mobilization around public commemoration was less intense and more limited. However, even when the national government proves reluctant to address the past, the struggles (and dynamics) at the local level may prove decisive in determining whether the (often societal) will to remember will meet with success.

## Concluding Remarks: Struggles for Memory and Justice in Contemporary Uruguay

As this article has argued, the approach of the Uruguayan state to the memory of violence and repression committed during the dictatorship has evolved considerably since the end of the dictatorship. The executive has strived to be a hegemonic actor in the landscapes of memory and justice. Between the mid-1980s and the late 1990s, presidents Sanguinetti and Lacalle encouraged discourses of “reconciliation and forgetting.” Under President Batlle, the issue of human rights violations was afforded a degree of public space, and the president extended tacit support to public memory initiatives. Since 2005, given the new political and societal contexts in Uruguay, presidents Vázquez and Mujica have publicly addressed the issue of human rights; Vázquez was the first Uruguayan president to attend the March of Silence. However, as we argue in this article, their policies regarding justice have been, at best, ambiguous, and such efforts have failed to fully satisfy the demands of human rights activists and their supporters. In Uruguay, over the past three decades, human rights activists have not been deterred by official policies favoring amnesia and forgetting. Indeed, civil society, and more recently local government, at least in Montevideo, has been the champion of remembrance, as well as truth and justice relating to past violence. Moreover, as we argue in this article, policies of memorialization are inextricably linked to developments in the judicial and political spheres.

The conversion of Punta Carretas into a shopping center between 1989 and 1994 occurred in a context characterized by very little support for either commemoration or justice in Uruguay. It demonstrates that the ability of human rights groups to undertake commemoration was hampered not only by judicial impunity, but also by a lack of any willingness to address the recent past on the part of the national government. As the site came under the jurisdiction of the Ministry of the Interior, the national government, including the executive, played a key role in eschewing societal demands for commemorative/cultural projects. In contrast, the Memorial of Disappeared Detainees project did not depend on the involvement of the national government, and instead relied on the local government to provide public space for the initiative. To a certain extent, this explains how the Memorial was created in 1998 in a context of on-going impunity, and points to the important interplay between civil society and local government. In other words, it shows that even when the executive is reluctant to pursue commemoration, the action of local governments can be decisive. However, it was also a moment in which civil society demands for memorialization were reignited and past violations came to occupy a more prominent place in the public sphere than they did during the recuperation of Punta Carretas. In 2001, in what turned out to be a more propitious context for investigation



into the past, the national government intervened, albeit nominally, declaring the site one of national interest.

Although in recent years there has been an increasing involvement of the state in both memory (and justice) initiatives, and “the appropriation of symbols, spaces and locations of memory”<sup>72</sup> has been undertaken increasingly by state and civil society, debates over memory of the past (and how to tackle it) are far from over in Uruguay. Unlike Argentina and Chile, where a significantly large number of former detention centers have been transformed into spaces of memory, in Uruguay only the CALEN has so far been recovered to house the soon-to-be established National Institute for Human Rights.<sup>73</sup> All other detention centers and prisons remain “invisible” to the broader society, in spite of continuing pressure from human rights organizations to recover them for memory.

Meanwhile, the debates and controversies precipitated by the creation or recuperation of such sites are numerous and complex. This article argues that the persistence of these debates indicates that although in Montevideo, the local government has sanctioned commemorative sites related to past human rights violations, the precarious future of many of these sites, and the obstacles they have faced, such as a lack of governmental and societal support (particularly from the national government) and the absence of funding, as well as their vulnerability to vandalism, is indicative of the lack of a clear official policy on commemoration. This lack of clarity is not only confined to the sphere of memorialization, but is also related to justice and truth-seeking. However, as this article was being revised for publication, on October 27, 2011, the Uruguayan Parliament approved Law 18,831, which re-opened the possibility of prosecution for past human rights violations previously blocked by the *Caducidad* Law.<sup>74</sup> Furthermore, the new law declared the crimes perpetrated during the dictatorship as “crimes against humanity,” and decreed that the period between December 22, 1986 and October 27, 2011 should not be counted for the purpose of the statute of limitations, which was due to come into effect on November 1, 2011.<sup>75</sup> This is a welcome and important step in the pursuit of justice in Uruguay as, after an interval of almost twenty-five years, the victims’ right to justice for the human rights abuses they had suffered has been restored. Nevertheless, other state obligations in this sphere still remain pending, such as access to the archives of the dictatorship, a comprehensive policy of reparations for victims, and the search for, and the identification of, the bodies of the *desaparecidos*. Two bodies recently found on military land of the 14th Battalion in October 2011 and March 2012 belonged respectively to sixty-eight-year-old teacher and journalist Julio Castro, executed and disappeared in 1977, and to Ricardo Blanco Valiente, a militant of the *Partido Comunista Revolucionario del Uruguay*, disappeared in 1978.<sup>76</sup>

The absence of a strong commitment on the part of the government to both justice and commemoration raises questions about the long-term future of these sites. What will sites such as Punta Carretas, located in a busy residential area with many visitors and passersby, mean to future generations if there is no plaque or marker denoting its former function? What will happen to the Memorial if future local governments were to decide to use the Vaz Ferreira Park for other purposes, or if the space were bought by a private company with plans to build housing or (yet) another shopping mall? Given the site's remote location, what attempts are being made (if any) to promote visitation to the site? Is tourism to the Memorial even desirable? These issues largely remain unaddressed, and a close scrutiny of the two sites is required to understand the purpose and nature of such sites of memory. However, another key question that the proponents of such sites must answer is the following: how can the debate on past violence be made more inclusive, transcending its traditional audience of *afectados* and civil society supporters, reaching out to society as a whole – to avoid the memory of the past fading away once the *afectados* are no longer around? It would be erroneous to see such sites as constituting memories themselves. The sites simultaneously reflect *and* shape memory. They do not passively possess meaning, but rather meaning is actively ascribed to them through those who choose to visit them. Broader engagement with the sites themselves is thus of paramount importance “to make visible the activity of memory in monuments” in order to “save our *icons* of remembrance from hardening into *idols* of remembrance.”<sup>77</sup> What is needed is a more complete, and a less black-and-white vision of memory making, one that incorporates all of the shades of grey in-between, remembrance that incorporates the experience of social and political activism of the 1960s and 1970s, that includes the victims of left-wing revolutionary groups, that discusses all of the aspects of state terrorism, and that is not selective and arbitrary, but is inclusive as much as memory can ever be.

## NOTES

<sup>1</sup> Francesca Lessa and Vincent Druliolle, eds., *The Memory of State Terrorism in the Southern Cone: Argentina, Chile, and Uruguay* (New York: Palgrave Macmillan, 2011).

<sup>2</sup> Richard Ned Lebow, Wulf Kansteiner and Claudio Fogu, eds., *The Politics of Memory in Postwar Europe* (Durham, NC: Duke University Press, 2006).

<sup>3</sup> Jane Kramer, *The Politics of Memory: Looking for Germany in the New Germany* (New York: Random House, 1996).



<sup>4</sup> Michael J. Lazzara, *Chile in Transition: The Poetics and Politics of Memory* (Gainesville: University Press of Florida 2006); Elizabeth Jelin and Susana G. Kaufman, "Layers of Memories: Twenty Years after in Argentina," in *The Politics of War Memory and Commemoration*, ed. T. G. Ashplant, Graham Dawson, and Michael Roper (London and New York: Routledge, 2000); Steve J. Stern, *Remembering Pinochet's Chile: On the Eve of London, 1998* (Durham, NC: Duke University Press, 2004).

<sup>5</sup> Marcelo Viñar and Maren Viñar, *Fracturas de memoria: Crónicas para una memoria por venir* (Montevideo: Trilce, 1993); Hugo Achugar et al., eds., *Uruguay cuentas pendientes: Dictadura, memorias y desmemorias* (Montevideo: Trilce, 1995); Aldo Marchesi, "Vencedores Vencidos: Las Respuestas Militares frente a los Informes "Nunca Más" en el Cono Sur," in *Memorias Militares sobre la represión en el Cono Sur: Visiones en disputa en dictadura y democracia*, ed. Eric Hershberg and Felipe Agüero (Madrid: Siglo XXI Editores, 2005); Aldo Marchesi, "¿"Guerra" o "Terrorismo de Estado"? Recuerdos enfrentados sobre el pasado reciente uruguayo," in *Las conmemoraciones: Las disputas en las fechas "infelices"*, ed. Elizabeth Jelin (Madrid: Siglo XXI Editores, 2002); Carina Perelli and Juan Rial, "La Estrategia de las Apariencias: Transición a la Democracia y Derechos Humanos," in *De mitos y memorias políticas. La represión, el miedo y después*, ed. Carina Perelli and Juan Rial (Montevideo: Ediciones de la Banda Oriental, 1986).

<sup>6</sup> The *Movimiento de Liberación Nacional-Tupamaros* was originally the armed wing of the Socialist Party. It was founded around 1963. It eventually became Latin America's most successful urban guerrilla movement, garnering widespread support and sympathy locally, becoming a symbol for other similar regional guerrilla movements. See Alfonso Lessa, *La revolución imposible: Los tupamaros y el fracaso de la vía armada en el Uruguay del siglo XX* (Montevideo: Editorial Fin de Siglo, 2002).

<sup>7</sup> Notable exceptions include Gabriela Fried, "Piercing Memories Together after State Terror and Policies of Oblivion in Uruguay: The Female Political Prisoner's Testimonial Project (1997–2004)," *Social Identities* 12:5 (2006): 543–562; Luis Roniger and Mario Sznajder, *The Legacy of Human-rights Violations in the Southern Cone: Argentina, Chile, and Uruguay* (Oxford: Oxford University Press, 1999); Francesca Lessa, "No hay que tener los ojos en la nuca: The Memory of Violence in Uruguay, 1973–2010," in *The Memory of State Terrorism in the Southern Cone: Argentina, Chile, and Uruguay*, ed. Francesca Lessa and Vincent Druliolle (New York: Palgrave Macmillan, 2011); Cara Levey, "The Memorial de los Detenidos Desaparecidos: Fragile memory and contested meaning in post-dictatorship Uruguay," *Journal of Latin American Cultural Studies* 21:2 (2012): 203–219.

<sup>8</sup> The traditional Uruguayan two-party (Blanco and Colorado) system dates back to the 1836 Battle of Carpintería when warring factions differentiated themselves by wearing colored hatbands, white for the Blancos and red for the Colorados. These colors later identified the two political parties that have dominated Uruguay's political life until 1971, when a third party, the Frente Amplio, was established. The Colorado is historically a liberal and republican party, which nowadays encompasses right and center-right groups; traditionally, it has represented commercial urban sectors.

<sup>9</sup> Although this study focuses on examples of commemoration of the victims of state terrorism and of attempts to seek justice against the perpetrators of state terrorism, it is important to acknowledge that commemoration has been undertaken by families of individuals assassinated by the revolutionary left. The term “commemoration” is thus not restricted to any one group or period. Rather, it is any type of action or process aimed at connecting with the past, regardless of who or what is being commemorated.

<sup>10</sup> Alexandra Barahona de Brito, Carmen González-Enríquez and Paloma Aguilar Fernández, eds., *The Politics of Memory: Transitional Justice in Democratizing Societies* (Oxford: Oxford University Press, 2001), 122.

<sup>11</sup> Beatriz Sarlo, *Tiempo pasado, cultura de la memoria y giro subjetivo: una discusión* (Buenos Aires: Siglo XXI, 2005), 10.

<sup>12</sup> *Ibid.*, 62.

<sup>13</sup> Katharine Hodgkin and Susannah Radstone, eds., *Contested Pasts: The Politics of Memory* (London: Routledge, 2003).

<sup>14</sup> Michael J. Lazzara, *Chile in Transition: The Poetics and Politics of Memory* (Gainesville: University Press of Florida, 2006), 2.

<sup>15</sup> Elizabeth Jelin, *State Repression and the Struggles for Memory* (London: Latin American Bureau, 2003), 3.

<sup>16</sup> Iwona Irwin-Zarecka, *Frames of Remembrance: The Dynamics of Collective Memory* (New Brunswick, NJ: Transaction Publishers, 1994).

<sup>17</sup> Elizabeth Jelin and Victoria Langland, «Las marcas territoriales como nexo entre pasado y presente,» in *Monumentos, memoriales y marcas territoriales*, ed. Elizabeth Jelin and Victoria Langland (Madrid: Siglo XXI Editores, 2003), 5.

<sup>18</sup> Lawrence Weschler, “Introduction,” in *Uruguay nunca más: Human Rights Violations, 1972–1985*, ed. SERPAJ (Philadelphia: Temple University Press, 1992), xviii.

<sup>19</sup> J. Patrice McSherry, *Incomplete Transition: Military Power and Democracy in Argentina* (New York: St. Martin’s Press, 1997).

<sup>20</sup> Juan José Arteaga, *Uruguay: Breve historia contemporánea* (Mexico, D.F.: Fondo de Cultura Económica, 2000).

<sup>21</sup> Personal interview, former president of the Colorado Party, anonymized for the purpose of the article, Montevideo, Uruguay, September 21, 2007.

<sup>22</sup> Charles Gillespie, *Negotiating Democracy: Politicians and Generals in Uruguay* (Cambridge: Cambridge University Press, 1991).

<sup>23</sup> Jenny Pearce, *Uruguay: Generals Rule* (London: Latin America Bureau, 1980).

<sup>24</sup> Martin Weinstein, *Uruguay: Democracy at the Crossroads* (Boulder, CO: Westview Press, 1988); Paul C. Sondrol, “1984 Revisited? A Re-examination of Uruguay’s Military Dictatorship,” *Bulletin of Latin America Research* 11:2 (1992): 187–203.

<sup>25</sup> The Plan Condor was the hemisphere-wide operation to systematically eliminate those deemed to be enemies of the state. This involved the sharing of intelligence and repressive techniques between many of the dictatorships of South America during the 1970s and 1980s. Argentina and Uruguay were key participants of the plan, along with Bolivia, Brazil, Chile, and Paraguay. See J. Patrice McSherry, *Predatory States: Operation Condor and Covert War in Latin America* (Lanham, MD: Rowman & Littlefield, 2005).

<sup>26</sup> Alvaro Rico, “Detenidos-Desaparecidos: Sistematización parcial de datos a partir de la investigación histórica de la Presidencia de la República Oriental del Uruguay,” in *Historia reciente. Historia en discusión*, ed. Alvaro Rico (Montevideo: Tradinco, 2008).

<sup>27</sup> Alexandra Barahona de Brito, “Truth, Justice, Memory, and Democratization in the Southern Cone,” in *The Politics of Memory: Transitional Justice in Democratizing Societies*, ed. Alexandra Barahona de Brito, Carmen González-Enríquez and Paloma Aguilar Fernández (Oxford: Oxford University Press, 2001).

<sup>28</sup> — — —, *Human Rights and Democratization in Latin America: Uruguay and Chile* (Oxford: Oxford University Press, 1997).

<sup>29</sup> For a detailed analysis of the Caducidad Law, see Francesca Lessa, “Barriers to Justice: The *Ley de Caducidad* and Impunity in Uruguay,” in *Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives*, ed. Francesca Lessa and Leigh A. Payne (Cambridge: Cambridge University Press, 2012).

<sup>30</sup> See text of the Law 15,848, <http://www0.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=15848&Anchor>, accessed October 29, 2011.

<sup>31</sup> Personal interview, human rights activist, member of the *Partido por la Victoria del Pueblo* and of the Human Rights Secretariat of the *Plenario Intersindical de Trabajadores-Convención Nacional de Trabajadores* trade union, Montevideo, Uruguay, August 30, 2008.

<sup>32</sup> Elin Skaar, “Legal Development and Human Rights in Uruguay: 1985–2002,” *Human Rights Review* 8:2 (2007): 57.

<sup>33</sup> Barahona de Brito, “Truth, Justice, Memory, and Democratization in the Southern Cone.”

<sup>34</sup> SERPAJ, *Uruguay nunca más: Human Rights Violations, 1972–1985* (Philadelphia: Temple University Press, 1992).

<sup>35</sup> Pablo Galain Palermo, “The Prosecution of International Crimes in Uruguay,” *International Criminal Law Review* 10:4 (2010): 604.

<sup>36</sup> Barahona de Brito, *Human Rights and Democratization in Latin America: Uruguay and Chile*, 150.

<sup>37</sup> The Blanco or National Party is one of the so-called traditional parties in Uruguay, together with the Colorado Party (see endnote 8). It has traditionally encompassed various ideological positions, ranging from right to center. It is a liberal party that has historically been linked to rural sectors, to farming and the land.

<sup>38</sup> Centro Municipal de Fotografía, “Huellas de la Represión: Identificación de centros de detención del autoritarismo y la dictadura 1968–1985” (Montevideo: Intendencia de Montevideo / Centro Municipal de Fotografía, 2009).

<sup>39</sup> María Teresa Scaron, *Punta Carretas: Dos siglos de historia* (Montevideo: Banda Oriental, 2008), 48.

<sup>40</sup> SERPAJ, *Uruguay nunca más: Human Rights Violations, 1972–1985*.

<sup>41</sup> Scaron, *Punta Carretas*, 54.

<sup>42</sup> *Ibid.*, 53.

<sup>43</sup> Hugo Achugar, «Territorios y memorias *versus* lógica del mercado,” in *Planetas sin boca*, ed. Hugo Achugar (Montevideo: Trilce, 2004), 217.

<sup>44</sup> Personal interview, Elbio Ferrario, Director of the Centro Cultural Museo de la Memoria, Montevideo, April 29, 2009.

<sup>45</sup> Magdalena Broquetas, «Memoria del Terrismo de Estado en la ciudad de Montevideo,» *Studia Historica - Historia contemporánea* 25 (2007): 233.

<sup>46</sup> Personal interview, independent human rights activist, Montevideo, Uruguay, August 27, 2008.

<sup>47</sup> Achugar, «Territorios y memorias *versus* lógica del mercado.”

<sup>48</sup> Viñar and Viñar, *Fracturas de memoria: Crónicas para una memoria por venir*.

<sup>49</sup> Gabriela Fried Amilivia, “Private Transmission of Traumatic Memories of the Disappeared in the Context of Transitional Politics of Oblivion in Uruguay (1973–2001): ‘Pedagogies of Horror’ Among Uruguayan Families,” in *The Memory of State Terrorism in the Southern Cone: Argentina, Chile, and Uruguay*, ed. Francesca Lessa and Vincent Druliolle (New York: Palgrave Macmillan, 2011).

<sup>50</sup> Elizabeth Jelin, *State Repression and the Labors of Memory* (Minneapolis: University of Minnesota Press, 2003), xviii.

<sup>51</sup> This date was chosen for a specific reason: on May 20, 1976, the tortured and murdered bodies of Uruguayan politicians Zelmar Michelini and Héctor Gutiérrez-Ruiz, who had been abducted in Buenos Aires two days earlier, were found. See Aldo Marchesi, “¿“Guerra” o “Terrorismo de Estado”? Recuerdos enfrentados sobre el pasado reciente uruguayo.”

<sup>52</sup> Barahona de Brito, “Truth, Justice, Memory, and Democratization in the Southern Cone.”

<sup>53</sup> See Francesca Lessa, “Peace Commission (Uruguay),” in *Encyclopedia of Transitional Justice*, ed. Lavinia Stan and Nadya Nedelsky (New York: Cambridge University Press, forthcoming in 2013).

<sup>54</sup> The *Frente Amplio*, established in February 1971, is a broad coalition of several left-wing parties such as the Communist and Socialist parties, the New Space, and the Popular Participation Movement of the former *Tupamaros*.

<sup>55</sup> Amnesty International Report 2003 – Uruguay, accessed July 27, 2011, <http://www.unhcr.org/refworld/publisher,AMNESTY,ANNUALREPORT,URY,3edb47e216,0.html>

<sup>56</sup> “Proyecto de ley interpretativa de la Ley de Caducidad,” *Espectador.com*, November 14, 2005, accessed August 8, 2011, [http://www.espectador.com/1v4\\_contenido.php?id=55990&sts=1](http://www.espectador.com/1v4_contenido.php?id=55990&sts=1)

<sup>57</sup> See Walter de León Orpi, “Juan Maria Bordaberry: el dictador latinoamericano condenado por delitos de lesa humanidad,” in *Luchas contra la impunidad: Uruguay 1985–2011*, ed. Gabriela Fried and Francesca Lessa (Montevideo: Trilce, 2011).

<sup>58</sup> No a la anulación: lágrimas y desconsuelo,» *La República*, October 26, 2009.

<sup>59</sup> Nibia Sabalsagaray was a literature professor and social activist who died under torture in June 1974 while in military custody.

<sup>60</sup> Inter-American Court of Human Rights, “Caso Gelman vs. Uruguay – Sentencia de 24 de febrero de 2011 (Fondo y Reparaciones),” accessed March 24, 2011, <http://www.cidh.org/demandas/12.607%20Gelman%20Uruguay%2021ene10%20ENG.pdf>: paragraph 312.11.

<sup>61</sup> “Uruguay: President Mujica backs military rule inquiries,” *BBC News*, June 28, 2011.

<sup>62</sup> Other examples of such initiatives include Museum of Memory (MUME), located in Montevideo, which emerged as a joint initiative of the *Intendencia* and human rights organizations in 2005, and was latterly supported by the national government’s Ministry of Education and Culture; and the sculpture in homage to disappeared Latin Americans inaugurated in the Square of the Disappeared in central Montevideo in 2009.

<sup>63</sup> Carlos Demasi and Jaime Yaffé, *Vivos los Llevaron... Historia de la lucha de Madres y Familiares de Uruguayos Detenidos Desaparecidos (1976–2005)* (Montevideo: Trilce, 2005).

<sup>64</sup> *Ibid.*

<sup>65</sup> Manuel Esmoris Manuel Esmoris, «Villa del Cerro, identidad y fractura,» July 9, 2010, accessed July 9, 2010, [www.gestioncultural.com.uy/vinculos/ESMORIS\\_VillaDELcerro.pdf](http://www.gestioncultural.com.uy/vinculos/ESMORIS_VillaDELcerro.pdf).

<sup>66</sup> Personal interview, members of *Madres y Familiares de Uruguayos Detenidos Desaparecidos*, Montevideo, Uruguay, April 29, 2009.

<sup>67</sup> “Montevideo: Plan de Ordenamiento Territorial 1998–2005” (Montevideo: Intendencia de Montevideo, 1998).

<sup>68</sup> Cara Levey, “The Memorial de los Detenidos Desaparecidos: Fragile Memory and Contested Meaning in Post-dictatorship Uruguay.”

<sup>69</sup> Nelson Di Maggio, «Hermoso Parque con Memorial en el Cerro,» *La República*, March 1, 2004.

<sup>70</sup> Demasi and Yaffé, *Vivos los Llevaron...*, 87.

<sup>71</sup> Personal interview, independent human rights activist, Montevideo, Uruguay, August 27, 2008.

<sup>72</sup> Ibid.

<sup>73</sup> Marcelo Bustamante, "Defensa entrega el Calen para Instituto de DD HH," *La República*, accessed March 5, 2012, <http://www.diariolarepublica.net/2012/03/defensa-entrega-el-calen/>

<sup>74</sup> Text of Law 18,831 available here [http://archivo.presidencia.gub.uy/sci/leyes/2011/10/cons\\_min\\_400.pdf](http://archivo.presidencia.gub.uy/sci/leyes/2011/10/cons_min_400.pdf)

<sup>75</sup> The statute of limitation was due to come into effect in Uruguay, as most sentences for past human rights violations have typified these as common crimes, not crimes against humanity, with the individuals responsible being sentenced for "aggravated homicide." The crime of homicide has a statutory limitation of twenty years in Uruguay; this has been increased by a third in light of the gravity of the crime (twenty-six years and eight months). See Mirtha Guianze, "La Ley de Caducidad, las luchas por la justicia y la jurisdicción universal de los derechos humanos en el Uruguay," in *Luchas contra la impunidad: Uruguay 1985–2011*, ed. Gabriela Fried and Francesca Lessa (Montevideo: Trilce, 2011).

<sup>76</sup> Mauricio Cavallo and Mauricio Pérez, "Torturado, ejecutado y desaparecido: el maestro Julio Castro sacudió ayer al Uruguay," *La República*, accessed December 2, 2011, <http://www.lr21.com.uy/politica/481616-son-los-restos-de-julio-castro>; "Restos hallados en marzo en el Batallón 14 pertenecen a Ricardo Alfonso Blanco Valiente, asesinado en 1978," *La República*, accessed April 17, 2012, <http://www.lr21.com.uy/politica/1033309-restos-hallados-en-marzo-en-el-batallon-14-pertenecen-a-ricardo-alfonso-blanco-valiente>.

<sup>77</sup> James Young, *The Texture of Memory: Holocaust Memorials and Meaning* (New Haven, CT: Yale University Press, 1994), 14.



