

"So the people can decide"

The experience of the referendum against
the impunity law in Uruguay
(1986-1989)

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with Marisa Ruiz and Raúl Zibechi

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I ask just one thing of you: If you survive these times, don't forget.
Don't forget either the good people or the evil ones.
Patiently pull together the testimony about those who fell.
For them and for us.
One day, today will belong to the past, and one will speak of a great time of the anonymous
heroes who made history.
I'd like everyone to know that there are no anonymous heroes.
They were beings with a name, with a face, with desires and hopes,
and the pain of the last of the last has been no less than that of the first, whose name will endure.

Julius Fucik

This essay is dedicated to
the memory of all the victims of State Terrorism
in Uruguay and Latin America;
to their relatives and companions, and to the survivors.

And to all persons and organizations
who struggle against impunity and to make a reality of
Human Rights in every corner of this Earth.

INTRODUCTION

Shaping our identity as a country requires asking ourselves who we are, where do we come from, where are we going, and answering these questions. The key role of memory is to support the present, which cannot be forged without history. A multitude of men, women, and children have had their dignity taken through abuse, terror, or lies. Those of us who had the luck to survive, we must make ourselves responsible, and not be accomplices of the dark shadows. So much remains to be done for the **never again** to happen.

Luis Pérez Aguirre

Working in a non-governmental human rights organization in Uruguay, we often receive requests from other countries where people would like to read and learn more about what in its time was the most original and multitudinous struggle for human rights in Latin America: **the popular initiative for a referendum against the law on impunity for the crimes against humanity committed during the Uruguayan military dictatorship.**

Nonetheless, we were never able to offer any material that systematically described and analyzed this wealth of experience that involved thousands and thousands of persons for over two years. The bibliography was scant, disperse, and difficult to understand for readers from other countries.

Therefore, it has been a privilege to be able to devote one year to reading, researching, but above all to discussing and reflecting on that piece of Uruguay's recent history.

Yet when it comes to putting that history into words, it has not been easy to summarize in so few pages the wealth and complexity, and the many facets and dimensions of that experience. This is so mainly because during the drafting process we bore in mind that the written work had to be comprehensible, interesting, and inspiring for human rights activists from all over the world. We don't know whether we've succeeded, but this is what we've tried to do, and it has been our main concern in writing.

Nor has it been easy to look back, after 10 years, at a history in which we were so involved personally. It is not a question of studying and reaching back to a distant event, but to something that affected us profoundly, because it was part of our lives, because we were collective protagonists of that history, and we put our best energies, convictions, and hopes into it. And because that struggle concluded in a defeat, at least in numerical terms. In this essay we seek to flesh out what was novel and positive--especially in the long term--in that experience, beyond the negative results at the polls.

As we began to review the press reports of the time, and especially as we rolled up our sleeves and began to rummage through this terrain which was almost virgin in terms of research--i.e. the files of what was the Comisión Nacional pro Referéndum--an endless flow of memories, anecdotes, and emotions gushed forth that was not easy to contain. More than once, the work was interrupted by tears when confronted with a photograph, a speech, or a poster that evoked moments experienced 10 years earlier, with a sometimes agonizing intensity.

Nonetheless, we've made a rigorous and conscientious effort to do this work objectively. In any event, on re-reading this essay we had the impression that perhaps we had projected an over-idealized vision of the pro-referendum movement. While we made very critical observations on that process, how it unfolded, and its leading actors, during the months of research, the final assessment may be considered overly positive.

And perhaps it's all for the better. Every human experience has its bright points and its dark spots. Yet in view of the purpose of this exercise, there is no doubt but that the movement for the referendum was highly original. The qualitative advance in the country's awareness of human rights violations under state terrorism, thanks to the movement, is much more powerful than the limitations or contradictions of that movement. Those achievements, unique and novel in the history of the struggle for human rights in Latin America, are worth lifting up and sharing with others.

I would like to thank the International Human Rights Internship Program (of the Institute for International Education) for the fellowship that made this work possible, and in particular its Director, Ann Blyberg, for the trust, encouragement, sensitivity, and understanding that I found in her throughout this year.

I would also like to give special recognition to my fellow researchers, Marisa Ruiz and Raúl Zibechi. Each of them, from their respective professional specialty--history and journalism--supported and enriched my vision of the subject matter. My personal reflections and analysis would have been much poorer were it not for our teamwork.

José Luis Rebellato, a dear friend and teacher, died suddenly as this effort was winding to a close, making it impossible to benefit from his insightful observations, as we would have liked. Though we miss him, his generous devotion and immense human qualities will always be with us in our struggles and commitments.

Finally, sincere thanks to each and every one of the protagonists of the pro-referendum movement who we had the honor to interview this year, both the former members of the executive committee of the National Commission and the activists in the neighborhood committees and the interior. Amidst a particularly complex year that included an election campaign in which many of them have been front-line participants, we found that all were receptive to our requests and generous in giving of their valuable time; and, even more important, to re-living and sharing with us their memories and the emotions of that history, which is part of our collective memory.

María M. Delgado
Montevideo, November 1999

Part One

HISTORY OF A COLLECTIVE HISTORICAL INITIATIVE

According to the dictionary of the Royal Academy of the Spanish Language, *impunidad* means lack of punishment. And *impune* is that which goes unpunished. In the meaning we assign it, impunity is much more than that. It is the form that has been found and applied in our country--and in neighboring countries--to prevent the truth from emerging and justice from being done. And what we call for is precisely **Truth and Justice**. Punishment will be part of justice.

Alejandro Artucio
(International Commission of Jurists)

The referendum is a history of anonymous heroes. Some stepped forward because they had to, but it was an episode involving thousands of anonymous heroes. The three women who co-chaired the Comisión were the most visible representatives, but it was an episode without leaders. People didn't fight, there were no posts to fight over, it was an entirely disinterested effort. And that generated a special ambience.

Martín Ponce de León
(Comisión Nacional pro Referéndum)

1. THE VIOLATION OF HUMAN RIGHTS DURING THE DICTATORSHIP

1.1 The rise of authoritarianism

The Uruguayan military dictatorship, in power from 1973 to 1984, was neither as spectacular nor as well-known internationally as its Chilean and Argentine counterparts.

Uruguay had been a liberal country with a strong civilian tradition and a solid political system, whose visible head was constituted by the two traditional parties, the Partido Colorado and the Partido Nacional (also known as the Blancos). These two parties governed the country from independence to the present time. The leftist parties were token until 1971, when they joined other independent sectors to found the Frente Amplio coalition.

In the early 20th century a process of social reforms and democratic elections began, earning Uruguay the nickname "the Switzerland of South America." That long period of stability, in the context of a certain degree of economic prosperity, began to erode with the economic crisis of the 1950s. This structural crisis, due mainly to unfavorable trends in the international prices of raw materials and to the model of industrialization reaching the end of its road, changed the relationship between political society and civil society. A relationship characterized by dialogue and negotiation was ensued by increasingly violent clashes between the government and the main social actors, namely the trade union movement and the student movement.

The mounting social agitation, the appearance of the guerrillas, the discrediting of the political class, and the rise of the military officer corps--who for the first time became political actors--caused deteriorated Uruguay's democracy and created the conditions for an authoritarian solution to the crisis.

Authoritarian Uruguay began in late 1967 with the rise of Jorge Pacheco to the presidency. During his term and that of his successor, Juan M. Bordaberry, government was almost constantly by *medidas prontas de seguridad*, literally "prompt security measures," the Uruguayan equivalent to a state of siege.

Under that regime guerrillas, students, trade unionists, and opposition political figures were dealt with by military means, imprisoned and repressed. In April 1972, after a series of violent episodes between the Armed Forces and the guerrillas, the national legislature approved the suspension of individual guarantees and declared a "state of internal war." Torture was institutionalized and civilians began to be tried by military courts. From that time on, the political class witnessed the situation unfold, practically a spectator, as its prerogatives were increasingly cut back, while public opinion was convulsed by strikes, student protests, guerrilla actions, and authoritarian excesses.

This process culminated when, on June 27, 1973, President Bordaberry, through a "self-coup" with the support of the Armed Forces (who one year earlier had dismantled the guerrillas, and in a few years would take over the government directly), dissolved the legislature, prohibited

all political activity, and declared illegal the Convención Nacional de Trabajadores union federation. From that moment on, state of siege conditions, inspired by the Doctrine of National Security, governed by exercising real state terrorism. This took the form of constant human rights violations.

1.2 Repression by the dictatorship

A report by the International Commission of Jurists noted in 1976: "... the human rights situation in Uruguay is very grave, comparable in every respect to the situation in Chile.... At this time it is the country that has the sad distinction of having ... the largest number of political prisoners in all of Latin America."

Some figures illustrate this reality. From 1968 to 1978, approximately 55,000 people were detained¹ (1 of every 50 inhabitants); from 1973 to 1983 approximately 170 Uruguayans were assassinated or detained/disappeared in Uruguay, Argentina, Chile, and Paraguay, as part of the coordinated plan of repression known as the Plan Cóndor; from 1972 to 1984 one hundred detainees died in the military prisons; during the dictatorship 10,000 civil servants were dismissed; more than 300,000 Uruguayans had to go into exile for political or economic reasons. All citizens were divided into three categories, and the label affixed affected one's individual liberty, from whether one could get a passport to whether one could serve on the board of directors of a sports club.²

Luis Pérez Aguirre³ stated in this regard: "I think that the system of control that the Uruguayan dictatorship had over the majority of the population was much more effective, sophisticated, and perfect than in the other countries of the region, because of the characteristics of the country: small, with a small population, and with a very well-articulated social structure. The dictatorship made use of that same structure to control the population. I always say that the Uruguayan dictatorship was not at all the bloodiest in the region, but it was very likely the most totalitarian, because its control was absolute and total."⁴

¹ Uruguay's population is just over three million.

² Permanent Peoples' Tribunal-Uruguay session. Montevideo, April 1990. Hereinafter "TPP".

³ Founder of SERPAJ-Uruguay and member of the Comisión Nacional pro Referéndum.

⁴ Personal interview.

The repressive pattern par excellence was prolonged imprisonment. From 1970 on, 6,300 persons went through the military courts, charged with violating the Ley de Seguridad del Estado y Orden Interno (Law on State Security and Internal Order). Almost 50% of the detainees were in prison for three to eight years; more than 30% were in for more than eight years.⁵

On the other hand, there were few political assassinations and disappearances in Uruguay, compared to Argentina and Chile. Most disappearances of Uruguayans occurred in Argentina, and only 32 in Uruguay.⁶

Another significant difference compared to the neighboring countries was that the military failed in all its efforts to bestow legitimacy upon the regime. In the face of so much repression, society could only express its resistance passively, though effectively, systematically refusing any collaboration that might lend social support or political legitimacy to the military regime. All efforts to create official institutions--trade unions, political parties, and even the proposed draft Constitution that was the subject of a plebiscite in 1980--failed when confronted with the dignified attitude of a people with a vocation for democracy.

1.3 Defending human rights under the dictatorship⁷

Defending human rights was the first expression of civil disobedience in Uruguayan society after a long period in which military rule was imposed on the country. As in the rest of the Southern Cone region, the struggle for human rights was one of the key points of resistance to the dictatorship, as it was the first type of public protest considered lawful to a certain degree.

Nonetheless, the above-noted characteristics of the repression in Uruguay, and the official and fearful silence of the churches, stood in the way of organizing a true human rights movement, as in Chile or Argentina. Rather, the struggle for human rights evolved as the popular movement reactivated, and came to encompass the demands of the human rights groups.

The first organized group was of relatives of Uruguayans detained in Argentina (1977), and in the first years it was active mostly in Argentina. It became connected to Argentine organizations, and its most important work was to channel reports of violations to international human rights mechanisms.

⁵ SERPAJ, Uruguay Nunca Más. Informe sobre la violación a los Derechos Humanos (1972-1985). Montevideo, 1989.

⁶ Id.

⁷ This chapter is based on the presentation by SERPAJ at the TPP.

In 1981, the Uruguayan affiliate of Servicio de Paz y Justicia en América Latina (SERPAJ) was formed.⁸ SERPAJ was the first national actor to publicly oppose military violence on humanitarian grounds. Many relatives of the victims of human rights violations came together in SERPAJ. In 1982, the group Mothers and Relatives of Persons Accused before the Military Courts (Madres y Familiares de Procesados por la Justicia Militar) was formed,⁹ to provide a formal structure for their work on behalf of the political prisoners, and making an appeal to solidarity with their call for amnesty.

While these organizations took the lead in creating a movement to defend human rights, in 1983 they created other human rights groups in the context of a progressive mobilization against the dictatorship. Human rights committees began to appear in trade unions and student organizations, which began to re-organize, and in housing coops, neighborhoods, and cities of the interior. The main demand was for an *amnesty* for political prisoners, and second *truth and justice*, especially in respect of the *forced disappearances*.

In 1984, with support from SERPAJ, other specialized institutions were formed, such as the Institute for Legal and Social Studies of Uruguay (IELSUR: Instituto de Estudios Legales y Sociales del Uruguay), to pursue legal actions; the Social Rehabilitation Service (SERSOC: Servicio de Rehabilitación Social), to address the health issues facing the prisoners released; and the Comisión por el Reencuentro de los Uruguayos (Commission for the Re-Encounter of Uruguayans), to support the demands of asylees returning to the country.

2. THE DEMOCRATIC TRANSITION

2.1 The protagonists

The transition process in Uruguay began when the constitutional reform proposed by the military¹⁰ was defeated in the 1980 plebiscite. Even though the opposition could express its view on a limited basis, and without access to mass media, 57.9% of the population came out against the draft Constitution, and 42% in favor.

Later efforts sought to establish a dialogue between the Armed Forces and some representatives of the traditional parties. In 1982, internal elections were held within the traditional parties. The Frente Amplio, still prohibited, found expression in the blank ballots.

⁸ SERPAJ was founded in the 1960s, of Christian and ecumenical inspiration, to work for human rights and peace through a commitment to active non-violence.

⁹ They chose this name because the regime refused to recognize the category "political prisoners."

¹⁰ The project was described by political scientist Luis E. González as a "hybrid of constitutional roots, on the one hand, and national security doctrine, on the other."

Yet until 1984 it was civil society that was playing the leading role. From 1980 on, civil society began to resurrect,¹¹ finding many active forms of expression: the shows of *canto popular* (popular song) and Carnival, which were truly political acts; the soup kitchens (*ollas populares*) in the neighborhoods and trade unions; the human rights groups that came together in parishes and neighborhood clubs; and the ongoing mobilizations and growing effervescence for the release of the prisoners and the end of the dictatorship, are just a few examples.

A renewed trade union movement (PIT: Plenario Intersindical de Trabajadores) and a renewed student movement (ASCEEP: Asociación Social y Cultural de Estudiantes de Enseñanza Pública), and the new federation of housing cooperatives FUCVAM (Federación Unificadora de Cooperativas de Vivienda por Ayuda Mutua) coordinated all the mobilizations with the human rights groups in what was called the Intersocial. The women's movement was a key new element in this stage.

This reconstituting of the social fabric came together on May 1, 1983, the first large mass activity against the dictatorship, which was attended by 150,000 people in Montevideo. The platform for the activity was summarized in four watchwords: Work-Wages-Liberty-Amnesty. The rise of the opposition, which was to continue throughout that year, culminated in November in an act convened by all the political parties and social forces, in which some 400,000 people called for a return to democracy.

In 1983 and 1984, a checkered and complex process of negotiation between the political parties and the Armed Forces took its course, culminating in the controversial Pact of the Naval Club, in which it was agreed to hold elections. It included the participation of the Partido Colorado, the Frente Amplio, and the Unión Cívica (the minority party), but not the Partido Nacional, as its top leader, who had recently returned to the country, was in prison. This agreement, which represented a split in the opposition, established a legal framework for the transition, and shifted the initiative from civil society to the political parties. Elections were held in November 1984, with the main leaders of the Partido Nacional and the Frente Amplio banned, which facilitated the victory of Colorado candidate Julio M. Sanguinetti.

2.2 The human rights movement in transition

A few months prior to the 1984 elections, the human rights movement had found its broadest organizational expression in the Coordinadora de Comisiones de Derechos Humanos, which brought together all the existing groups, including the churches, the trade union movement, the student movement, the cooperative movement, and even the political parties. This coalition gave voice to the movement's demands, but did not resolve the opposing positions of the parties as to the scope of the general amnesty proposed for the prisoners. Nor were specific commitments agreed upon by the parties regarding the mechanisms for reviewing the crimes against humanity committed by the military.¹²

¹¹ Guillermo O'Donnell and Phillippe C. Schmitter, *Transiciones desde un Gobierno Autoritario. Conclusiones tentativas sobre las democracias inciertas*. Buenos Aires, 1986.

¹² Presentation by SERPAJ at the TPP.

In September 1984, the Concertación Nacional Programática (CONAPRO) was installed, made up of all the political parties and social forces in the country, to agree upon a transition program. The human rights movement was represented by SERPAJ. The main agreement reached was to release all political prisoners. With respect to human rights violations, the political parties would only accept a generic statement on the moral duty of the future democratic government to see that all those crimes be investigated and judged, no matter what governmental authority was responsible. It was agreed that the Judiciary had to be given the legal instruments and sufficient resources to carry out a proper investigation. Human rights groups' efforts to get the courts to pursue the complaints lodged were based on this agreement.

3. THE STRUGGLE AGAINST IMPUNITY IN DEMOCRACY

3.1 The process that culminated in passage of the law

The first measures by President Sanguinetti showed that he was not willing to carry out most of the commitments adopted in the CONAPRO. The new constitutional government designed a neoliberal economic program and a presidentialist political program; the government stretched the law to its limits with the indiscriminate use of the Executive veto of legislation adopted by the Assembly.

Once the independence of the judiciary had been re-established in February 1985, victims of violations, with support from IELSUR, filed several complaints in the civilian courts.

Human rights continued to be at the center of the legislative debate. The Law on National Pacification, approved during the first month of the constitutional government (March 1985), made it possible to release all the political prisoners, in response to an irrepressible popular outcry. Although the prisoners accused of crimes involving bloodshed were not given amnesty, their sentences were reduced and prison conditions improved. Article 5 ensured that the amnesty would be non-reciprocal, incorporating the commitment adopted in the CONAPRO.¹³

Once the political prisoners were released, the human rights movement focused on the demand for truth and justice for all crimes against humanity. Two clearly discernible forms of

¹³ Article 5 said: "Excluded from the Amnesty are the crimes committed by police or military personnel, or others assigned military rank, who were perpetrators, co-perpetrators, or accomplices of inhuman, cruel, or degrading treatment, or in the detention of persons who were later disappeared..." The Law on National Pacification also provided for the rehiring of public employees fired by the dictatorship, created the National Repatriation Commission, to support the reinsertion of the persons released from prison and returning from exile, and ratified the American Convention on Human Rights.

discourse began to emerge on this issue, representing two opposing strategies:¹⁴

- (1) the official discourse--supported by conservative sectors--upheld the need to forget the past in order to achieve national pacification. According to this logic, any action aimed at seeing justice done would be destabilizing and would threaten the recently-regained institutional order;
- (2) the discourse of human rights defenders affirmed just the opposite: that it was necessary to subordinate the military to democratic institutions--mainly the Judiciary--punishing the persons responsible for those crimes and cleaning up the Armed Forces to prevent such crimes from recurring in the future.

Two commissions began to investigate the assassinations of former legislators Zelmar Michelini (Frente Amplio) and Héctor Gutiérrez Ruiz (Partido Nacional), and the disappearances of Uruguayans in Uruguay and elsewhere. The commissions limited their work to receiving numerous complaints, and they sent their final reports--which they never made public--to the Executive and the Judiciary. There was no political will in official circles to give them the special powers needed to pursue a real investigation.

The report of the investigative commission looking into forced disappearances recognized the category "disappeared citizen"--including for minors and adults--"in circumstances of political repression," and the practice of torture in clandestine prisons, and held 64 members of the military responsible. It also indicated a certain link between the disappearances in Argentina and Uruguay. Nonetheless, it understood that the crimes could not be considered the result of organizational decisions by the police and military.¹⁵

The legislature went one way, while the events outside the legislature were moving in the opposite direction. Immediately after the elections and upon his release from prison, Partido Nacional leader Wilson Ferreira had announced that his party would support the Partido Colorado to ensure the country would be governable. This happened over the next two years through an agreement among Ferreira, President Sanguinetti, and the military's representative in the transition, Gen. Hugo Medina (Commander-in-Chief of the Army and Minister of Defense, successively).

In May 1985, Wilson Ferreira had declared that it was agreed implicitly in the Pact of the Naval Club that there would be no punishment for human rights violators; this was forcefully refuted by the Frente Amplio. The establishment, for its part, gradually set aside its initial declarations and commitments, as it embraced the thesis of a reciprocal or unrestricted amnesty for the military.

In 1985 and 1986, the political leadership sought to solve the problem by legislative

¹⁴ Presentation of SERPAJ at the TPP.

¹⁵ Carmen Midaglia, *Las formas de acción colectiva en el Uruguay*. Montevideo, 1992.

means, but none of the bills introduced won majority support from the other parties. In the meantime, the military challenged the jurisdiction of the civilian courts, and called for the accused to be tried in military courts. In November 1986, the Supreme Court of Justice ruled in favor of the civilian courts, relying on Article 253 of the Constitution.¹⁶ The civilian judges began to call the accused members of the military to trial, at the same time as Gen. Medina announced that none would appear before the courts.

The regional context also affected how this issue was pursued. While Chile was moving through the last stages of the Pinochet dictatorship, in the recently restored democracy in Argentina, all of 1985 was marked by public trials of the military juntas, which culminated in the imprisonment of the major commanders of the dictatorship. However, this process was dealt a mortal blow in 1986, when the Argentinean Congress passed the laws *Punto Final* (“end point”) and *Obediencia Debida* (“proper obedience”) to put a stop to the prosecution of any other military personnel.¹⁷

Toward the end of 1986, the human rights movement, in an increasingly disadvantageous situation, tried to stop the advancing impunity that was being announced in the corridors of the legislature and in the pressures being brought to bear by the military and the Executive on the other two branches of government. Several actions and campaigns¹⁸ to keep society engaged had limited repercussions, since they did not impact on the center of gravity of the problem, which was clearly in the political system.

On December 1, 1986, the government called the political leaders to a meeting in which the Armed Forces submitted a supposedly self-critical document, recognizing, in veiled terms, some excesses they had committed, and affirming the responsibility of the command structures. The document did not enjoy the reception the Executive had anticipated, since the Frente Amplio and part of the Partido Nacional did not find any indication in that late self-criticism to consider the complex situation resolved.

Time was running short. Several members of the military were called to appear in the civilian courts on December 23; if they failed to do so, they would be held in contempt. Once again, the thesis of governability was put to the test. On December 17, the Partido Nacional leadership decided to seek a legislative approach.¹⁹ The bill was approved within the party

¹⁶ Article 352 provides that the common crimes committed by members of the military shall be judged in civilian courts.

¹⁷ The final outcome was to occur three years later (significantly, in the same year as the Uruguayan Referendum) with the pardons that were granted by President Menem, which set free all the military commanders that had been responsible for the genocide.

¹⁸ The Asamblea and Mesa Permanente por Verdad y Justicia, the Justicia para la Paz campaign, among others.

¹⁹ The same day, the Frente Amplio and the Partido Colorado introduced respective bills that were rejected.

(albeit with the opposition of one sector²⁰), agreement was then reached with the Partido Colorado, and it was introduced in the legislature, which required interrupting the summer recess.

The formula chosen for affirming impunity for the military in Law 15,848 was to consider that, as a result of the transition agreed upon at the Club Naval, prosecutorial action by the state in respect of the crimes committed up to March 1, 1985, by military and police personnel had expired. In other words, the state recognized that those serious crimes were committed, but it waived their prosecution. Article 3 of the law provided that judges should pass all the complaints to the Executive, for it to rule on whether they were covered by the Law of Expiry, and if so, to order that they be closed. Article 4 entrusted the Executive with investigating the fate of the detained-disappeared, especially children kidnapped with their parents and presumably alive.

The parody of a debate on the bill lasted two days. With a majority assured in both chambers, the opposition's speeches were mere legal and ethical protests of no consequence. The climate in the street was very tense: there was pot-banging and noisemaking in the streets,²¹ demonstrations in front of the legislative palace, and incidents in the legislative sessions. The situation grew increasingly out of control, culminating on December 22, when the legislative majority, after approving the impunity law, decided to expel Frente Amplio member Germán Araújo from the Senate; he had been one of the leading legislators to denounce human rights violations, and was accused of instigating the disorder.

3.2 Birth of the National Commission for the Referendum

The day after the law was adopted, the Madres y Familiares de Uruguayos Detenidos-Desaparecidos, along with Elisa Dellepiane and Matilde Rodríguez (widows of the assassinated legislators), called for organizing to submit the impunity law to a popular consultation, availing themselves of the referendum mechanism.

Uruguay's constitutional system had contained forms for the exercise of direct democracy, yet they had never been implemented. The Constitution provided that the signatures of 25% of the citizens qualified to vote had to be collected within one year of the enactment of the law in order to submit a law to a referendum. This meant more than 500,000 signatures had to be collected.

The challenge was huge and risky: it meant playing within the system, by the enemy's rules, on unequal footing. But the promoters of the initiative considered that there was no other way to fight impunity. This is not hard to understand for a political culture such as Uruguay's, where the lengthy tradition of rule of law--albeit with shortcomings and limitations, and

²⁰ The Movimiento Nacional de Rocha (MNR).

²¹ Known as *caceloreadas*, or sessions of banging pots and pans and making noise, this was a form of protest during the dictatorships in Chile and Uruguay.

weakened by the long dictatorship--has formed a citizenry respectful of legality.

The first steps for installing what would later come to be called the Comisión Nacional Pro Referéndum (hereinafter "CNR") were difficult. One of the main issues of debate revolved around who would lead the movement. Some were of the opinion that it should be in the hands of the Relatives of the Disappeared (hereinafter the "Familiares"), and others felt that the leadership should be broader, with greater representation of the entire social and political spectrum. The other dilemma was over what type of Commission to have -- a more popular and spontaneous one, or an organized and precisely regulated structure. While the second options triumphed, the Familiares had a representative among the three co-chairs and several of its members served on the various work committees of the CNR.²²

Events unfolded at a dizzying pace: Having had the advice of several attorneys, on January 12, 1987, Matilde, Elisa, and María Esther Gatti (the mother and grandmother of two women who were disappeared) communicated to the Electoral Court (Corte Electoral) that they were beginning to collect signatures. The CNR was formally constituted on January 28, with the three co-chairs, all women. In its first appeal it defined itself as an entity "constituted, independent of any political party interests, by persons representative of the various sectors of national activity, led only by their free civic conscience."

Collecting signatures began on February 22, in a solemn act in which the CNR stated: "The impunity voted for is an affront to the democratic sentiments of the Uruguayan people, to universally recognized principles of law, and to the purest national traditions...."²³ The CNR rented a centrally-located house and formed the traditional working committees: publicity, press, organization, finances, and others, such as internal affairs and external affairs.

The popular response was immediate and enthusiastic. The speed with which grassroots committees appeared to organize the collection of signatures surprised many: in less than 40 days over 200 committees were formed in Montevideo. In the interior, at least one committee was formed in each departmental capital, but over time they grew in number to 80. Throughout the country 350 to 400 committees were eventually formed, to which one would have to add those established within the PIT-CNT (the only labor federation after the dictatorship), and the Federation of University Students of Uruguay (FEUU). Uruguayan residents abroad created 53 committees that collected 18,836 signatures, and a sum of money whose exact amount is unknown.²⁴

Such a gushing forth of activity cannot be attributed to the initiative of any of the political forces, making it worthwhile to trace the varied origins of this unique experience.

²² Interview with Nancy Velázquez, member of Familiares and of the committee on organization of the CNR.

²³ Madres y Familiares de Uruguayos Detenidos-Desaparecidos, *El Referéndum desde Familiares*. Montevideo, 1988.

²⁴ Information from the files and minutes of the CNR.

Many committees arose from the human rights groups created in 1984 in parishes, housing cooperatives, neighborhoods, and trade unions; others were created at the initiative of the grassroots committees of the Frente Amplio in each zone; and finally, another group had mixed origins, promoted both by Frente Amplio activists and by independent social activists. In the interior, the call came from the human rights groups created at the initiative of SERPAJ, as well as local figures, including some leaders of the traditional political parties.

In any event, the neighborhood pro-referendum committees followed a common pattern: they were independent of all political sectors; operated in neutral spaces (churches, unions, social clubs); were unitary and plural in nature, seeking to incorporate members of all the parties; and adhered closely and with discipline to the guidelines put out by the central CNR and, in particular, the three co-chairs.

Once the collection of signatures had begun, the neighborhood committees showed that they were the lungs of the campaigns, to the point that actress Nelly Gotiño, a member of the CNR, defined them as "cells of national dignity."²⁵

3.3 Collection of signatures (1987)

Two slogans summarized the discourse of the CNR during this stage: "I sign so that the people can decide" and "Everyone is equal before the law." Both appealed to the democratic conscience of the citizens more than to the question of human rights violations. The idea was to generate a broad consensus and to give the issue a philosophical framework that would be unquestionable for the collective Uruguayan mindset.²⁶

The beginning of the campaign was tremendous, as it was dominated by great enthusiasm: people lined up in front of the tables, document in hand, to sign. From February 22 to March 14, 160,000 signatures were collected, for an average of 7,619 daily! The first National Campaign Day (Jornada Nacional) on March 15 mobilized 8,000 to 9,000 *brigadistas* in Montevideo alone. Some 300 cites for receiving signatures were set up, and dozens of murals were painted. Even though the supporters of the referendum denounced 20 attacks, that day an additional 100,000 signatures were collected, bringing the total to 260,000. Almost half the signatures needed to put the Law on Expiry to a plebiscite in just three weeks!²⁷

Nonetheless, after that things wouldn't be so simple. After the preaching to the choir was done, the work would be arduous and would move more and more slowly. The campaign in the interior had yet to pick up strength; as of March 20, only 40,000 signatures had been collected in ten departments, while the leaders of the Partido Colorado were stepping up their campaign

²⁵ La Hora (daily newspaper), June 20, 1987.

²⁶ Interview with Selva Andreoli, in charge of publicity for the CNR.

²⁷ Brecha (weekly publication), March 20, 1987.

against the plebiscite.²⁸

The minutes of the CNR reflect a dark picture in that long winter of 1987. In August, when 525,230 signatures had been collected and 30,000 more were needed to reach the minimum required, the person in charge of the internal affairs committee noted that "there is a desperate need for *brigadistas*" and that "much remains to be done and there is little time."²⁹

By September--coinciding with Spring--things improved and spirits began to pick up: On September 17, the CNR reported it had the 554,873 signatures needed (25% of eligible voters). Even so, more were needed, since some of the signatures might be disqualified.

Finally, on December 17, 1987, accompanied by a great collective show of jubilee, the three co-chairs of the CNR delivered 634,702 signatures, collected after a titanic effort, to the Electoral Court (a later accounting established that 420,000 homes were visited³⁰). The feat had unfolded over the course of a whole year, door-to-door, in a dialogue with the citizens, in the face of attacks by the ruling class, the intimidation of the military, and the complicity of the mass media, who ignored the campaign, as if it simply did not exist. The CNR had only alternative means of dissemination and publicity available to it, but it had the invaluable contribution of thousands of *brigadistas*, among whom women, students, and trade unionists played a prominent role.

3.4 Defending the signatures (1988)

"We need to extract the plebiscite from the Electoral Court": these words of Matilde Rodríguez are an accurate description of the battle throughout 1988. In a country where democratic institutions have always worked, with no history of electoral fraud, no one ever imagined that the entity in charge of verifying the signatures³¹ and calling the plebiscite would engage in totally irregular and partial actions, under pressure from the Executive and the military, to the point of losing its credibility in the eyes of public opinion (as reflected in opinion polls conducted at the end of that year).

What was thought would be an expeditious and quick process ended up dragging out over 11 months. But most serious were the continuous confrontations between the CNR and the Electoral Court, which would lead Matilde Rodríguez to say: "... we are all aware that what is at stake here is much more than the Law on Expiry and the referendum: nothing less than the probity of the Electoral Tribunal, nothing less than the guarantee of a country that has absolutely

²⁸ Brecha, March 27, 1987.

²⁹ Minutes of the CNR.

³⁰ Id.

³¹ According to the Constitution, the Electoral Court has the authority to organize and supervise elections, and to serve as judge in all electoral matters.

placed its security in clean elections."³²

During this stage, the generosity of dozens of volunteer delegates of the CNR to the Electoral Court was decisive. The Electoral Court extended its schedule and limited the rotation of delegates, so that many had to change their own work schedule, sacrifice their annual leave or their day-off during the week, remaining at the Electoral Court long hours. In addition to the delegates were the CNR's night guards at the Court, to keep watch of the signatures.

The verification process had several stages, each difficult and beset by irregularities. In each case, the Electoral Court acted with a clear intent to void a large number of signatures, so that the outcome would be insufficient to force a plebiscite on the law (the CNR had submitted 14% more than necessary). It is impossible, in this brief essay, to describe each of these irregularities and maneuvers in detail. Following are but a few examples:

- ! appointment of an ad hoc commission (made up mostly of supporters of the law);
- ! changes in rules and new requirements established in the course of the process;
- ! annulment or calling into question of thousands of signatures for details of handwriting on recording the data from the voter registration card election document, or because the signature was not identical to that in the Civil Registry (though many years may have elapsed between the two);

³² Cuadernos de Marcha (November 1988), Forum con Matilde Rodríguez Larreta.

- ! refusal to consult the voter rolls³³ to clear up doubts as to the identities of the signers (for details in the handwriting in which the data are recorded);
- ! invalidation of signatures due to errors made by the same officers of the Court in previous stages of verification.

As of one month after the verification began, more than 20,000 signatures had been nullified. The protests by the CNR and public opinion led the Electoral Court to determine that the question as to those signatures would be held in abeyance, to be ratified if needed to reach the number required.

The political climate couldn't have been more tense. Defense minister Medina declared that it was impossible to foresee what might happen in the country if the Law on Expiry were derogated; the leaders who backed the law, beginning with the President, insisted there were not enough signatures; some military officers or persons assigned military rank who had signed for the referendum were arrested by order of the defense minister; the ministry and certain military offices sought to get a hold of the lists of signers, to mete out additional sanctions. In the culmination of so many arbitrary acts, it was learned in October that the Court had annulled the signatures of two of the main leaders of the pro-referendum forces, Partido Nacional Senator Carlos J. Pereyra and Frente Amplio leader Líber Seregni. At that time, the CNR decided to withdraw its delegates from the Court, as it denounced its "absolute lack of impartiality" (which was unheard of in the country's history); demanded the resignation of its members; and asked the legislature to designate a new Electoral Court.

Finally, after lengthy polemics, the Court finalized the verification, and in December announced the results: 529,110 valid signatures, more than 75,000 annulled, and 36,800 that needed to be ratified to be counted as valid. The immense wave of popular protest³⁴ led the Electoral Court to call for ratification of the signatures in the latter category. It was necessary for at least 23,000 people to come forward to reaffirm their decision. If this was already difficult, given the climate of intimidation of the referendum's supporters, these conditions made the task practically impossible. This led to a firm division within the CNR between those who saw this move as the last trick to ensure defeat, and those who saw it as the only possible way forward, as a necessary "baptism of fire" the latter group prevailed.

Yet the situation couldn't have been more unfavorable:

- the list of persons notified to ratify their votes was not disseminated in the press, but only in the *Diario Oficial* (official gazette, which has very limited circulation);
- it was organized by voter registration card, not by name, which made it impossible to identify who was given notice;
- the list contained errors in the voter registration card numbers;

³³ The voter rolls (*padrón electoral*) are the file that includes a record of all voters registered with the Electoral Court.

³⁴ Including an August march of more than 100,000 people in Montevideo, to defend the signatures.

- only two weeks were allowed from publication to ratification;
- only two-and-a-half days were set aside for ratification (December 17 and 18, and the 19th in the morning), and at only 100 locales nationwide.

Once again, the CNR accomplished a major feat, as thousands of people mobilized nationwide for a whole weekend, with practically no rest, and were able to notify and convince those 23,000 signers to ratify their decision, overcoming the fear and threats. To this end, the core activists found a wide array of creative responses, weaving a network of solidarity, in a display of anonymous and collective heroism.

At the same time, the CNR computer center did an extraordinary and uninterrupted job to overcome these difficulties, to give direction to the search for signers, and to keep the committees informed, on an ongoing basis, of who had or had not ratified. In the words of one of the persons in charge: "It can be said without a doubt that each and every man and woman who participated in the task of ratification played an indispensable role in the victory, getting the needed number of signatures. Nonetheless, it should also be noted that without the computer support, it would have been impossible."³⁵

When it was announced that the necessary number of signatures had been collected, just within the deadline, a euphoric multitude went into the streets shouting: "There will be a plebiscite!"

3.5 The plebiscite (1989)

After the December victory, all that remained was to set the date for the plebiscite on the Law on Expiry. In January, the Electoral Court decided that it would be April 16. It also determined that the ballot to be cast by the supporters of the law would be yellow, and green for those who wanted to derogate it. Thus began the last stage of the campaign, which would be the shortest, most intense, and most difficult.

³⁵ Adrián Manera, presentation to the Congress *Derechos humanos e informática* (Santiago, Chile, 1989).

The CNR opted to put out a message of joy and hope, avoiding going down the path of its adversaries, who sought to envelop the issue in obscurity, threats, and insecurity. The slogan chosen was "I'm voting for joy" (*Yo voto por la alegría*); the jingle was based on the festive music of La Bamba; the logo showed a smiley face, and played on the symbolism of green (hope, Spring, life); the general tone steered away from rigidity and dramatism.³⁶

There were two-and-a-half months of intense mobilizing: the neighborhood committees were revived (after their paralysis in 1988 by the Electoral Court), and they went door-to-door once again, map and list in hand, to engage in dialogue with local residents to explain why they should vote green.

The publicity in the street, which was low-tech, was combined with greater play in the mass media, mainly television. Yet in this regard, the CNR always faced unequal conditions, jumping hurdles that ranged from insufficient funds to direct censorship, especially during the final leg of the campaign. In this stage, the contributions from the pro-referendum committees abroad proved crucial: hundreds of Uruguayans organized campaigns scheduled for a given day, festivals, and other activities to raise money, and sent thousands of dollars to finance the publicity drive. In addition, the external relations committee of the CNR obtained major financial support from churches, human rights organizations, and cooperation agencies in the First World.

Another novel contribution in this stage was popular education. Three institutions (SERPAJ, Aportes, and the Centro de Investigaciones y Desarrollo Cultural [CIDC: Center for Research and Cultural Development]) offered dozens of workshops to neighborhood committees in Montevideo and the interior aimed at sharing popular communication techniques to make the work of the brigadistas--both door-to-door and in the streets--more effective. This effort was supported with educational materials (pamphlets, cassette tapes with audio publicity, radio programs, etc.) developed by the NGOs themselves. Nonetheless, all the initiatives and efforts in this stage had the limited scope imposed by the short time frame.

Partisans of the yellow vote, who had ignored the campaign the first year, certain that the necessary number of signatures would not be obtained, and who in the second year had done the impossible to stop the referendum through machinations in the Electoral Court, now harnessed all available resources to winning the battle against public opinion. To this end, they appealed to the most sensitive issue in a society recently emerged from a dictatorship: the terror of losing the democracy that had been won back, and returning to the past. Emphasis was placed on what could happen if the Law on Expiry were derogated; the campaign proceeded under the threat of a coup d'etat. The phantom of chaos, summarized in the enigmatic question "and what next?" resounded deeply in the most vulnerable and conservative sectors of the population, especially in the interior.

The work was effective. On April 16, 1989, 57% of the citizens voted to confirm the

³⁶ Interview with Selva Andreoli, in charge of publicity for the CNR.

Law on Expiry, and 42.5% to derogate it. In Montevideo, however, the green vote won 56.4% (to 43.6%), while in the interior, the situation was the opposite: 69.6% for the yellow vote and 30.4% for the green vote.

That same night, the CNR issued a press release acknowledging the defeat and reassuring that it would respect the results at the ballot box. Shortly thereafter, it announced it was breaking up.

Part Two

AFTER THE REFERENDUM

The green vote was defeated, it is true, after a campaign aimed at scaring public opinion with the phantoms of violence. But in this country, which had recently emerged from a long dictatorship that tarnished it with filth and fear, four of every ten Uruguayans expressed their decision to defend the principles of justice and freedom that undergird democracy; and in so doing they have placed a limit on what hitherto was unbound military arrogance.

Those of us who promoted the green vote and worked for it are certain that it was worthwhile, and are proud of having believed in what we believed in, because we continue believing. The struggle for justice does not end in one battle, or two, or a thousand; and the passion for freedom, when authentic, is more tenacious than all defeats.

Eduardo Galeano

1. WHY THE YELLOW VOTE WON

"A few days prior to the plebiscite, 39% were still undecided.... That huge percentage of undecideds suggested a potential situation, it expressed the profound contradiction that perhaps everyone felt in his or her own conscience between rejecting the crimes of the dictatorship and the possible consequences of derogating the law; between their conscience and adherence to the *caudillo* and the methods of the traditional parties; between their conscience and the fear disseminated by the propaganda.... While the majority came out in favor of keeping the Law on Expiry in place, the green vote and the high percentage of persons undecided express the total rejection of the methods used by the military, and of the human rights violations. The green country is much larger than revealed by the figures. It would be a grave mistake to underestimate or ignore the final decision of the undecided. It expresses a potential for change that we need to work on."³⁷

1.1 A close-up look at the results³⁸

The Uruguayan population is distributed unevenly, with half living in Montevideo and the metropolitan area. This unequal distribution is the result of a form of dependent capitalism based on extensive stock-raising.

In this socioeconomic context, and especially since the 1960s, there have been sharp contrasts between voting patterns in Montevideo and the interior: While options for change (associated with the vote of the left) have increased their vote and predominate in Montevideo, in the interior this process is slower, and conservative options predominate, associated with the two traditional parties.

The referendum vote confirmed these trends. Nonetheless, at the national level there was a significant trend of voters not voting with their parties. The parties that backed the yellow vote had obtained 68% of the vote in the 1984 elections,³⁹ yet in the referendum the yellow vote obtained 57.5%. The political sectors that backed the green vote had garnered 32% of the votes in 1984, while the green vote won 42.5%. Therefore, 10% of the electorate broke ranks, even though party loyalty is traditionally strong in the Uruguayan political culture. In other words, the green vote was one-third greater than its core political base of support.

³⁷ José Luis Rebellato, *El desafío verde*, in the journal *Pasacalle* No. 1, Montevideo, 1989.

³⁸ This chapter is based on the presentation by Enrique Gallicchio at the TPP.

³⁹ And in the legislature, the law won the vote of 75% of the legislators.

The results of the April 1989 plebiscite expressed the beginnings of a process of transforming the popular will that was to be accentuated in the 1990s. In the November 1989 elections, support for the Frente Amplio grew, leading it to win the Montevideo government. Ten years later, the Frente Amplio would become the leading political force.⁴⁰

1.2 The two discourses

The debate on impunity became the central focus of the democratic transition. The Law on Expiry brought to light the limits of that transition, and there was a transition from the contradiction *dictatorship-democracy* to the contradiction *democracy-military tutelage*.⁴¹

The yellow discourse, defended by the Executive, the Armed Forces, the Partido Colorado, and two-thirds of the Partido Nacional, was based on four main ideas⁴²:

- (1) Equivalence of the Law on Expiry and the 1985 amnesty for political prisoners: "If the guerrillas were given an amnesty, the military should also be amnestied." This argument turned a blind eye to the facts that state terrorism (1972-1984) had come after the armed confrontation (1969-1972), and was much more serious than it; and that the guerrillas, before being released, had spent many years in jail.
- (2) Pacification on the basis of not reviewing the past and accepting the status quo. Based on a pragmatic logic, it was assumed that military tutelage was one of the costs of the transition, and that it was not possible to turn this reality around.
- (3) Avoid the risk of destabilization: The threat of failure of the military to obey orders that could lead to a coup d'etat was present throughout the campaign, accompanied by all sorts of pressures to instill fear in a society that was emerging from the trauma of the dictatorship.
- (4) "What next?": Uncertainty as to the future, in the event the law were derogated, was the strongest argument wielded by the yellows. The Executive branch itself repeated that if the military didn't go before the courts in 1986, neither would they do so at a later date. Together with fear, skepticism was the other powerful factor driving the yellow vote.

Defended by the CNR and supported by social organizations, the Frente Amplio and other minority sectors, the green discourse proposed:

⁴⁰ In the 1999 elections, the Frente Amplio won the majority on the first round; in the second round, the traditional parties entered into an alliance to keep the left from winning.

⁴¹ Roger Rodríguez, presentation at the TPP (Montevideo, April 1990).

⁴² Id.

- (1) Equality before the law: Based on Article 8 of the Constitution, this powerful argument appealed to Uruguay's liberal and civilian tradition: there can be no privileges, and all criminals must be brought to justice.
- (2) Truth and justice as a condition for peace: In opposition to the yellows' view of pacification, the CNR adopted the motto of Pope Paul VI, "there can be no peace without justice." Truth and justice were requirements for national reconciliation and the guarantee that those crimes would not be repeated.
- (3) Consolidation of democracy: This could only be achieved with strong institutions that would not yield to the pressures of the military or guarantee that they would enjoy impunity.

As can be seen, in the face of a pragmatic discourse based on the "logic of the facts," the CNR defended an ethical discourse based on principle, which was both its strength and its weakness: By avoiding getting into the underlying political debate, it could not give a satisfactory answer to the question, "And afterwards, what?" Perhaps what was needed, according to Roger Rodríguez, was for the political actors who supported the green vote to articulate those ethical principles with an overall project of a country respectful of human rights.

1.3 Publicity and the media

The CNR's access to the mass media was difficult, limited, and in very unequal conditions. One measurement revealed that the yellow vote had three times more space in the media than the green.

The CNR made up for this handicap through street activities and other forms of publicity, including leaflets, stickers, banners strung on lampposts crossing streets, banners hung on balconies, t-shirts, posters, graffiti, outdoor activities such as fairs, bicycle marathons, music festivals, and the like.

In the first year of the campaign, the supporters of the law gambled on the CNR failing, and their strategy was silence in the media. When they could no longer ignore what was happening, they launched an aggressive campaign. The establishment used all its resources and power to distort and discredit the CNR: censorship⁴³, the campaign of fear, and trying to depict the issue in political party terms⁴⁴, reminiscent of how the dictatorship had handled the media.

⁴³ At least three television spots by the CNR were prohibited: two unmasked the President and the Electoral Court, and the other, prepared by the CNR to conclude its campaign, was the testimony of the mother of a disappeared child. It was disseminated through hundreds of videotapes and leaflets with which the *brigadistas* invaded the country's streets and plazas.

⁴⁴ "The green vote is supported by the Communists and the Tupamaros," according to one televised message.

In contrast, the CNR's messages were aimed at the common sense of the woman and man on the street, without responding to the attacks, but upholding the dignity and humanism of its cause.

2. CONSEQUENCES OF IMPUNITY FOR URUGUAYAN SOCIETY

2.1 International repercussions

Just as the 1985 amnesty law had been praised in the international community, the Law on Expiry was rejected, and still is, 13 years later. That law contradicted not only the commitments assumed internally, but also international human rights law, as set forth in the multilateral treaties ratified by Uruguay, i.e. the Charters of the Organization of American States and the United Nations, the International Covenant on Civil and Political Rights, the U.N. Convention Against Torture, the American Convention on Human Rights, and the Inter-American Convention on Forced Disappearance of Persons.⁴⁵

Insofar as the crimes pardoned by the impunity law are crimes against humanity, under international law they cannot benefit at all from pardon. The fact that the law has been legitimated internally continues to be a unilateral act of the state that does not render its international commitments non-binding.

Since, the law has been severely criticized by the Human Rights Committee under the International Covenant on Civil and Political Rights in its periodical analyses of the Uruguayan state's implementation of the Covenant. In the OAS, the most important condemnation was Resolution No. 29/92 (1992) of the Inter-American Commission on Human Rights, whose recommendations have yet to be implemented.

2.2 Accounts pending

Impunity has many facets and negative effects on society:

- democratic institutions are weakened and lose credibility vis-à-vis the citizens;
- human rights violators enjoy impunity and anonymity, living under the same sky with their victims;
- impunity is reproduced in the present, making torture and other crimes a regular practice;⁴⁶

⁴⁵ Although the last mentioned came after the impunity statute, the definition of "forced disappearance" as a "continuous or permanent" offense so long as the whereabouts of the victim are not clarified trumps the objection on grounds of the prohibition of ex post facto laws.

⁴⁶ In 1993 former DINA agent Eugenio Berrios was assassinated in Uruguay, on orders from Pinochet. That Plan Condor-type operation included the participation of Uruguayan military and police personnel. Even though the technical expert's report confirmed the victim's identity, the courts closed the case.

- encouragement is given to repeating criminal and illegal conduct, covered up by a network of complicities that taints the institutions, opening the door to corruption;
- the victims and their relatives cannot go through the necessary grieving process or secure full reparation (even where there is economic compensation);
- it makes it difficult to approve laws and instruments for the protection of human rights;
- the forced disappearances continue to have no answer, like an open wound that affects the victim's families and the whole society;
- the military continues as a de facto center of power, without measures being taken to clean up its ranks and democratize it;
- it is difficult for the community to piece together its historical memory.

The last three years have been the most serious, with the most profound consequences for Uruguayan society.

The military question was not addressed seriously at any point in the transition, or in the CNR. The Armed Forces have made no self-criticism. And the civilian authorities have done little to review the military education programs, and nothing to reform the organic laws of the Armed Forces, which continue to enjoy high levels of autonomy and corporatism, beyond civilian control. Moreover, the members of the military accused of serious violations have continued to be promoted in their military career, occupying high-level positions, with the backing of the political forces in power.⁴⁷

As for the disappeared, Uruguay is the only country in which not a single serious investigation has been undertaken in any part of the government, despite Article 4 of the impunity law. Lacking any political will, and closely aligned with the military interests, none of the three administrations elected (two of them under Sanguinetti) has taken a single action to arrive at the truth. Even worse: all initiatives to come up with a solution to this issue, from various political and social sectors, have been blocked by the Executive, in all three administrations.

2.3 Denial of historical memory

At the same time as impunity was set forth in the law, Uruguayan society was kept from being able to find out the truth about the crimes committed by the dictatorship. Just as no member of the military appeared before any court to be held accountable for their actions, in Uruguay, unlike its neighbors, there was no official and public investigation concluding with recognition by the State of what has happened. The only systematic effort was the book *Uruguay Nunca Más*, published by SERPAJ in 1989.

⁴⁷ Jorge Silveira, one of the best-known operatives of the Plan Condor, tried in other countries for serious crimes, was appointed the personal advisor to the commander-in-chief of the Army, with the backing of the President.

This omission has not only violated the collective right to know the truth,⁴⁸ denying the Uruguayan people the possibility of building their historical memory; it has also legitimated a version of history based on the Doctrine of National Security, according to which the crimes of State Terrorism were merely acts of war.

"Impunity keeps us from recovering essential things that have been lost in the years of darkness. It is an insuperable obstacle to recovering truths about events that were very serious, and an important part of our national history. And that impediment, that obstacle, is the source of very severe psychosocial disorders whose effects for the future of Uruguay are impossible to predict."⁴⁹

3. NEW INITIATIVES IN THE REFERENDUM

3.1 The role of women

3.1.1 Background

During the dictatorship, women played an important role, covering what Jean Franco called "the ethical vacuum." Given the breakdown of the traditional organizations during the years of greatest repression, women wove together networks of solidarity in their everyday lives: at home, in the neighborhood, at church, on the bus that took them to the prison. They would join together in dealing with the bureaucracy, take collections for the relatives of the prisoners, get information out of the prison, etc. Women no longer young had to step out of the domestic ambit for the first time ever, going to offices, military bases and prisons in search of their children, husbands, and brothers, and to cry out for them in the streets and plazas. By extending their roles, as in all of Latin America, these women jumped into the public arena to confront military power--which was essentially male--and to denounce the barbaric practices of these regimes to the world.

Because of that resistance, they were considered enemies and even a target of repression by the dictatorships. "The military governments were ready to destroy the historical memory that made it possible for the idea of resistance to be passed from one generation to the next."⁵⁰

3.1.2 The women in the Commission

Under the dictatorship, it was the military who imprisoned, tortured, and disappeared.

⁴⁸ Louis Joinet, Final report, Question of the impunity of human rights violators (civil and political rights). United Nations, UN Doc. E/CN.4/Sub.2/1997/20, February 10, 1997.

⁴⁹ Luis Pérez Aguirre, presentation at the TPP.

⁵⁰ Jean Franco, in Corradi, Juan et al. (ed.), Fear at the Edge, State Terror and Resistance in Latin America. Berkeley, 1992.

The transition was based on an arrangement agreed upon by military officers and politicians, from a triumphalist male perspective. Under democratic rule, it is the legislature--all male--that passed the impunity law.

Women's response was immediate: The day after the law was adopted, a handful of women announced their intent to repeal it by referendum. One month later, three women emerged as the leaders of the movement, symbolizing the family spectrum disarticulated by the dictatorship. "In these women you recognized all the generations that can surround you in your life: your grandmother, your mother, your daughters...."⁵¹

Those three women held moral authority and real authority within the Commission. Women also held most of the key positions in the CNR's Executive Committee.

"Unlike in the parties, where women were desperately seeking space, in the movement they had the final word.... The person responsible for organization was a woman, Mónica Xavier; I was in charge of publicity; Marta Ponce was responsible for press; the executive secretary was Inés Previtali.... And that was with a great deal of respect from and on an equal footing with the men, though there were 'heavyweights' there."⁵²

The role of women in the CNR was reflected, according to everyone interviewed--in the workstyle--executive, practical, removed from any ideological rhetoric--and the atmosphere of fraternity, trust, and unity experienced within the Commission.

"Because of the double workday, we women are accustomed to having to be twice as productive with our time. That's why we don't waste time on useless discussions."⁵³

"Those tensions came in the first six months. We women worked miracles to emphasize the fundamental things.... We insisted on what was most important, being united and not thinking about political returns."⁵⁴

The women interviewed all noted two fundamental motivations leading women to become involved in this cause:

⁵¹ Interview with Mónica Xavier, in charge of organization for the CNR.

⁵² Interview with Selva Andreoli, in charge of publicity for the CNR.

⁵³ Interview with Mónica Xavier.

⁵⁴ Interview with Matilde Rodríguez Larreta.

(1) The issue itself touched women in particular (they were life-and-death matters): "Women may feel more. I'm not saying that men don't have feelings, but I believe that women are different in the way of feeling things. It is a heart-to-heart task, that does not require special political knowledge; for that very reason, the arguments stemmed more from feeling than intellect...."⁵⁵

(2) The lack of a power struggle. "There were no problems over power. No one had anything to gain from it. Because the symbols were there [the three co-chairs, all women], and the rest of us were peons.... There was no room for aspirations for power ... because you couldn't aspire to anything. I believe that it was one of those movements that had that impressive quality."⁵⁶

3.1.3 Women in the committees

Women also accounted for the majority in the neighborhood committees and the departmental committees (in the interior).⁵⁷ The door-to-door work, the dialogue with the local residents, is a specific, everyday task, for which women appear to be better suited, and at the same time women inspire more trust. In interviewing members of the neighborhood committees, many recalled their women neighbors speaking with one another, and distributing leaflets while running their errands, or the nun who would walk through the neighborhood with the list of signatures in her handbag.

"A woman came and told me, 'I have this, collecting these signatures has been a lot of work,' and I listened. Then you found out who that woman was, that at times she had problems mustering together enough to eat, that she had so many children, and had wiped herself out walking through the neighborhood, talking with one person and another, to get those signatures. It wasn't just one or two, they came by all day long, and it was mostly women who came...."⁵⁸

⁵⁵ Interview with Tota Quinteros (mother of a disappeared woman and member of the CNR). In: La República de las Mujeres, January 7, 1989.

⁵⁶ Interview with Marta Ponce, in charge of press for the CNR.

⁵⁷ In addition, during the stage of verifying the signatures with the Electoral Court, 80% of the CNR delegates were women.

⁵⁸ Interview with Inés Previtali (executive secretary of the CNR).

The motivation was similar among grassroots women: "It was a motivation much stronger than any that we have had since. Anyone who has lived in any country, facing injustices and barbarism on such a scale, you don't need to be a leftist, just to feel pain for the pain of others, to say: it's worthwhile struggling, and this is why it is worth walking however many blocks to try to convince others. This is human and goes to the human condition, not a given project for this or that purpose."⁵⁹

"Women are increasingly involved in social movements, in their neighborhoods, and even in some unions, while the parties continue to be the domain of men. Why? The sensitivity of women to just and humanitarian causes, the horizontal workstyle, and the lack of power struggles in the Commission. Men are more inclined to seek power for the sake of power, and there was no place for that in the Commission. That, plus that fact that no one really sought to occupy center stage enabled women to participate more freely."⁶⁰

3.2 Youths and the referendum

3.2.1 In the Commission

We already said that a diverse array of sectors and groups came together in the CNR, including different age groups. Prominent figures, including some 70-year-olds, worked side-by-side with 18- and 20-year-olds, in a climate of great respect and harmony.

"The Commission had an Executive Committee that included all the important people, and some of them, together with the young people working there, well we would get together in the bar across the street; we called it 'the junior Executive Committee,' and long after we would continue getting together, just for the sake of getting together."⁶¹

The young people interviewed said the CNR was a special place to grow and learn. They also noted that age was not an obstacle to being entrusted with tasks that required great responsibility.

"At that time, as a young person and as a woman, I felt I was in a special place. I am truly thankful for having been there, because of what I experienced, because of what I learned.... We were all very respected, independent of who you were, very much valued...."⁶²

⁵⁹ Neighborhood committee of Piedras Blancas.

⁶⁰ Departmental Committee for Florida. María M. Delgado, *La siembra verde en el interior*. In: *Empezar por el vecino* (unpublished paper by SERPAJ, Aportes, and CIDC), and Pasacalle, No. 1. Montevideo, 1989.

⁶¹ Interview with Pablo Klappenbach.

⁶² Interview with Rosario Portel (secretary of the internal relations committee, and 18 years old in 1987).

When Pablo Klappenbach went to work in the CNR he was 20 years old, and since he was an officer of the Electoral Court, he soon became the Commission's expert on elections: "I was extremely shy, I didn't talk, and I ended up giving courses to delegates, in the bank workers' hall (AEBU), full of people, with microphones ... and suddenly I was in a neighborhood or in the interior giving courses, and in the end it didn't matter if it was for 10 or 500 people."

3.2.2 In the campaign

The participation of youth in the campaign for the referendum was very important. Broad sectors of youths who had no space to express themselves found the movement to be a time and a place for breaking onto the social scene. The participation of youths was numerous in the neighborhood committees and in the committees in the interior. According to the testimony collected, the relationship between youths and adults was respectful, fraternal, and horizontal; both benefitted and learned from the experience.

"The Commission had the permanent support of 30 to 40 youths.... The youths were enthusiastic, in all the slum areas, in everything. We ... would go to all the demonstrations and signature collections to shore up the work of the young people. But without their work it would have been difficult to collect all the signatures that were obtained."⁶³

The student movement and the leftist youth organizations brought militancy to the major events to collect signatures and mobilize. The Federation of University Students of Uruguay (FEUU) organized youth brigades⁶⁴ which for months travelled every weekend to support the committees in the interior, or in the outlying areas of Montevideo, to collect signatures in areas where access was most difficult or where the local committees were weakest.

In the course of the year for verifying signatures, the FEUU contributed hundreds of volunteers who, rounded out their already long days as CNR delegates to the Electoral Court.

"Many kids would always come in the afternoon, because they were in school in the morning; a group of 16 to 18 kids, who were 18 or 19 years old, who weren't even born at the time of the coup, who grew up under the dictatorship yet were seriously concerned with human rights, and fought for things with gusto and passion."⁶⁵

In the final stage of the campaign for the green vote, youth involvement grew and was marked by their own forms of participation. Youths had their own style of communicating with the public: bicycle marathons, graffiti, rock concerts, *peñas*, camps, street theatre, dressing in green, painting faces green, all alluding to the slogans of the green vote, using codes that reach

⁶³ Departmental Committee for Salto.

⁶⁴ The FEUU mobilized up to 380 brigadistas in a single day.

⁶⁵ Juan C. Vera, delegate of the CNR to the Electoral Court.

young people, in which a sense of joy and humor were the strongest ingredients.

"In the final stage, most brilliant was the publicity workshop. We worked with our own hands, we were creative. We made posters by hand, drying them one at a time. We covered the city and sent them to the interior of the department. The workshop was the channel through which we were able to express ourselves, by means of a drawing, a phrase, and that was tremendously useful for getting involved. We, who were 15 to 17 years old worked, we voiced our opinions, we made decisions alongside the adults. We felt we were part of the group, not like other times, when we've felt used. We sensed that we could create together, with people from other age groups, and we did so with love, and responsibly.⁶⁶

At the same time, the internal dynamics of many committees also drew on aspects of the emerging youth culture: horizontal organization, each person rotating through different tasks, the non-existence of fixed posts or hierarchies, and a fresher style than what one had become accustomed to seeing in the conventional leftist organizations.

In summary, the massive participation of youths in the movement for the referendum had two notable effects: It brought the styles particular to the youth culture to the mobilization, and it encouraged the activism and politicization of youth groups which, just three months after the plebiscite, would erupt onto the public scene with broad mobilizations that would lead to the fall of the minister of interior, who was responsible for the *razzias*, the arbitrary and massive detentions by the police, aimed mostly at young people, during the first Sanguinetti administration (1985-1989).

4. THE LEGACY OF THE REFERENDUM

Was it worth it? This is the inevitable question, looking back at this movement ten years later. First, there is no doubt but that the ratification by popular vote of the impunity law gave impunity a legitimacy in Uruguay that it did not enjoy in any other country of the region. This largely explains how the issue was practically buried until 1995, when its resurgence in Argentina⁶⁷ made it possible to bring it up in Uruguay. It also explains how it is that despite being the country in which the impunity issue generated the most massive consciousness and mobilization, it is also the one in which the least was achieved in terms of truth and justice.

Another question inevitably arises: Was it correct to submit a matter of ethical values--that goes to the very dignity of the human person--to the decision of the majority, to be decided on in the electoral realm, through the "tyranny of numbers"?

⁶⁶ Youth from the Departmental Committee for Florida. María M. Delgado, op. cit.

⁶⁷ Based on the confessions of former Argentine Navy officer Adolfo Scilingo on his role in the death flights (1976-1977), in which the detained-disappeared were thrown into the sea alive.

Although not everything can be blamed on the referendum, and although it is used to this day by the partisans of impunity to reject any investigation or revisionism, it is legitimate to ask whether there was any other possible way to proceed. "There was no alternative, except for the immediate renunciation of struggle. It was the only one, and we decided to run the risk," affirmed the protagonists who were interviewed. Unless they had opted for violence, breaking the law. Yet the referendum had the great virtue of peacefully and constructively channelling popular energy that otherwise would have broken out in anger and frustration.⁶⁸

In a country that had recently returned to constitutional government, civil society faced the paradox that the three branches of government declined to assume their respective responsibilities, betraying the commitments they had assumed: the Executive, which unconditionally defended the military; the Legislature, which adopted the impunity law; and the Judiciary, which renounced its very *raison d'être*--to ensure independent justice--and subordinating itself to the Executive even beyond the provisions of the impunity law.⁶⁹

That battle, fought in conditions of inequality and adversity, provided important lessons that merit careful consideration.

4.1 A great citizens' movement

Political scientists have called the Uruguayan system a *partidocracia*, to account for a reality in which the nation's entire political and social life is determined by the dynamic of the political parties, who are the main intermediaries between society and the state. The organized expressions of civil society have historically been weak as compared to the leadership of the parties. And strong organizations, such as the trade unions and student organizations, had relative autonomy with respect to the leftist parties.

The CNR was marked in its origins by a conflict between those who wanted it to be a movement totally independent of political party influence, organized around the families of the disappeared, and those who held it was necessary to convoke a much broader and more pluralistic spectrum, involving various civil sectors, well-known figures, and also the parties or political sectors that had voted against the impunity law. After an intense but brief debate, the second position won out. With ten years' hindsight, we believe it was the right decision. It would have been impossible for the groups of relatives and human rights organizations to mobilize the resources that the undertaking required, maintaining an organized and efficient effort for 28 months, and overcoming the endless obstacles that the CNR faced.

⁶⁸ Interviews with Martín Ponce de León and Matilde Rodríguez Larreta.

⁶⁹ The conduct of the Judiciary throughout merits a more extensive study that goes beyond the scope of this essay. See, in this respect, the paper presented by Juan Faroppa at the TPP.

Yet the relationship between the CNR and the grassroots committees was not always harmonious. Some testimonies describe certain conflicts that stemmed from a demand for greater democracy from the committees to the CNR. It is difficult to tell whether that was possible, given the circumstances. The human rights movement had already had experiences involving excess debate and little action: "both a massive debate on each step taken, and the election of the representatives in the CNR, could not happen. We don't mean that there couldn't have been a more participatory procedure, but in fact, and for the reasons stated, while the grassroots were consulted, it was not to the extent called for by some of the groups."⁷⁰

4.1.1 Beyond the parties

Perhaps what was most novel was that the CNR stayed independent, pluralistic, and unitary throughout, which won it great respect and credibility. The zeal to keep the movement from being dominated by any political party or from being capitalized on by the parties was ongoing and successful. The minority sectors of the traditional parties and the sectors included in the Frente Amplio contributed their best technical, organizational, and financial resources, their intellectual cadres and activists, to the work of the CNR, yet they did not respect its autonomy and subordinate themselves to its authority. This was highlighted by all those interviewed. Therefore we don't hesitate to affirm that the CNR was a great supraparty citizens' movement, that included but was much broader than the parties.

Perhaps the original intent with which the parties became involved in the CNR was not so disinterested; it is very possible that some wanted to maintain a certain level of control over the movement, as it addressed an issue of such sensitivity for the political tradition. Nonetheless, it would appear that the CNR took on a dynamic of its own that went beyond the parties, to the point that the cadres who made up the Executive Committee operated above all else as members of the CNR, with their hearts and minds invested in it, not as representatives of particular parties.

One former member of the Communist Party put it as follow: "The parties did something that I don't think has been seen again: they accepted having a supraparty organ direct the campaign. The campaign for the green vote was led by the CNR.... In other words, it wasn't a coming together of representatives of political parties who agreed what to do. This is really original, and it is what the CNR accomplished with their activity. There is no doubt but that the process was led by the CNR, in both its virtues and its mistakes, if there were any. The political forces gave their opinions; one example describes the movement when it was decided whether to push for ratification. Some very strong sectors of the left argued that it was not the way to go. Nonetheless, when the Commission decided it was, everyone threw themselves into it, and no one stepped aside."⁷¹

This phenomenon also occurred at the grassroots: "I believe that in the green vote the

⁷⁰ Presentation by Luz Ibarburu (member of Familiares and of the organizing committee of the CNR) at the TPP.

⁷¹ Interview with Benjamín Liberoff, member of the committee on internal relations.

idea ... that social organizations have to be autonomous prevailed. In the referendum, at first it seemed that the dynamic by which the political party affiliations prevail over the social organizations was going to be imposed. Yet it was completely overtaken by the grassroots initiative coming out of the social movements; indeed, where efforts were made to set up political party structures, as in this zone, the social part, which organized together (through the cooperatives, the Church, the neighborhood committees, and also the Frente Amplio members who were convinced of this conception) was overwhelming and succeeded in leading the whole movement.⁷²

4.1.2 Unity in diversity

No less important was the fact that the movement was exemplary in maintaining great unity of criteria and of action, both outwardly and inwardly, considering that it was made up of people from the widest array of political, sociocultural, and philosophical sectors.

"It was a very rich human experience, and from the standpoint of militancy as well, because I was accustomed to working in a party which was a bit dogmatic, in the sense that we were the good guys and everyone else the bad guys ... that experience of sharing ... isn't the same as sitting beside people who have nothing to do with you, and beginning to share languages, opinions, etc."⁷³

"I'm Eduardo's neighbor, but I never discussed politics with him, because I'm with the Blancos and he's with the Tupamaros. In the Commission we found we were together. And the most important thing for me was to see all the people who shared my way of thinking--not only on this issue, but on other important issues as well--and people from other sectors. Discovering that there are higher objectives that can be achieved with others who are not from your same political party or movement...."⁷⁴

On asking them how it had been possible, the persons interviewed agreed that members of the CNR clearly perceived the magnitude of the challenge before them, the power of the enemy they were up against, and especially the higher aim that brought them together.

"There was a spirit of unity, of fraternal work without confrontations, even though at times there were different points of view. We evaluated the endless number of difficulties and obstacles placed in our way as the work of the Commission advanced. All the obstacles one can imagine were there. We were meeting almost constantly, once or twice or three times weekly, and the issues were how to overcome the difficulties.... That harmony occurred in the most natural way, and very quickly, we had to reach agreement quickly, we couldn't waste time because the objective was difficult to achieve."⁷⁵

⁷² Neighborhood committee of Las Acacias.

⁷³ Interview with Selva Andreoli.

⁷⁴ Departmental Committee of Salto.

⁷⁵ Interview with Tabaré Vázquez, in charge of finances

4.1.3 Impunity, an issue of national debate

One unquestionable merit of the pro-referendum movement was its success keeping human rights violations at the center of the national political agenda for two-and-a-half years.

The CNR became the symbol of a civil society that unmasked the fragility and the costs of the transition, as well as the limits of the recently regained democracy; and that was not resigned to accept the betrayal, by the rulers, of the commitments they'd assumed, nor subordination of the democratic institutions to military tutelage. As some of those who played leading roles said, much more than military impunity was at stake in the debate on the referendum; also at stake were what kind of democracy, what kinds of institutions, and what model Uruguayans wanted for the country.

“Our campaign was not revolutionary, instead it was practically restorative. What had been revolutionary was giving amnesty to those who should have been judged, and we wanted to return to this country's traditional values, by which we are all equal before the law.”⁷⁶

According to sociologist Enrique Mazzei, what was new about the CNR was not its objective, since it was focused "not on forming a new citizenry, but on calling for the operation of the existing judicial apparatus through the participation of a citizenry that had traditionally been 'socialized' to exercise the rights being called for today. Nonetheless, what is new is the opening up of a space 'apart from but close to' the political party organizations calling for needs to be addressed now that were traditionally taken care of by the parties and the State.”⁷⁷

4.2 A school of democracy

The Constitution provided for referenda almost as a decorative element. It was the movement against impunity that for the first time proposed to use this instrument of direct democracy.

The coalition against impunity that came together in the CNR became the greatest moral and democratic reserve of the transition, and so played a fundamental role in preserving democracy.

This means objectively strengthening civil society--though it may have diffuse effects in the short term--which is a very positive factor for constituting the national political culture, and therefore for the possibilities of building a true democracy in the country.... This positive balance ... stems not only from the positions that the coalition opposing impunity upheld in debating the ideas, but also from the tremendous experience of civic organization it carried out (not only from outside the state, but in this case against its key instruments of power).... It can be said that from January 1987 to April 1989, a fundamental part of the citizenry engaged in a profoundly democratic form of participation and people's power. This is certainly not insignificant, if we compare it to the effective operation of the political system in practically all the countries of Latin America, and even the "developed" world.⁷⁸

In effect, never in other countries had there been a movement of thousands of organized people, reaching all corners of the country, creating consciousness and fostering dialogue among people over a human rights issue. It was a process characterized by a very high degree of political education, in which people learned about the legal remedies available in the Constitution.

One intermediate result was that based on this experience, the regulations for making use

⁷⁶ Interview with Matilde Rodríguez.

⁷⁷ Revista de Ciencias Sociales No. 4, Fundación de Cultura Universitaria, Montevideo, 1988.

⁷⁸ Gerónimo de Sierra, paper at the TPP.

of the referendum were amended, making it more accessible. Since then, it has been used successfully,⁷⁹ but never with the impact achieved by the CNR.

4.3 A new political culture

The promoters and core activists supporting the referendum had not set out to change the traditional ways of doing politics. If they did, it was not the result of a premeditated action, but the means they found to attain their objective of getting enough signatures.

And the signatures had to be obtained one by one: the collective forms of mobilization traditional on the left were of little use. They had to be combined with a new form, which moreover was the decisive one. This was clearer once those who already had their minds made up had signed, and others, perhaps indifferent or misinformed, not willing to do so as soon as their doorbell rang, had to be reached. At the wake of the dictatorship, it was one thing to cast a secret ballot, and quite another to identify oneself and sign a petition against the military.

"What is clear is that the popular mobilization created new spaces and new forms of participation. Many people, disenchanted with the classical forms of militancy, found new possibilities for developing initiatives, creativity, new styles of relationships. Other militant activists, stuck more in the traditional mold, were distrustful and, if approached openly, discovered contributions that helped call into question the traditional activists."⁸⁰

4.3.1 A whole country engaged in dialogue

Diego Terra Carve⁸¹ noted that what struck him most was the way in which the signatures were collected, going door to door: "We have interviewed more than a million people. There is no political movement in the country that has interviewed more than a million people in their homes.... Until then, the immense majority of Uruguayans were led to certain political-electoral activities simply out of generic adherence to political party traditions or personal preferences for political leaders."⁸²

The door-to-door canvassing, for Terra, was the core from which a profound change in society could result, since "it succeeded in demystifying some traditional phantoms of Uruguayan history, and it succeeded--the people succeeded--in emerging from their small capsule, from their small political category, becoming part of a movement that had no political

⁷⁹ In 1992, the opposition used the referendum to repeal the law on privatization of public enterprises.

⁸⁰ José Luis Rebellato, *op. cit.*

⁸¹ Member of the Partido Nacional, in charge of the internal relations committee, and one of the most influential members of the CNR Executive Committee.

⁸² Interview for Cuadernos de Marcha (December 1987).

party orientation. That episode, I believe, will be extremely important in the future; it's still too early to quantify it today, to determine in what historical moment it will have effects on the national political map."

4.3.2 Discovering the "real" country

The collection of signatures changed the country. It changed those who collected signatures, those who signed, and also many who did not sign but who engaged in discussions, who took issue with and saw what was happening: how thousands of people voluntarily went through the country, giving their time, their homes, their cars, with great generosity.

For the activists, it meant getting to know another Uruguay: the deep, marginal, rural, and semi-rural Uruguay; the country that was misinformed and indifferent, but receptive. Many *brigadistas* were able to put themselves in the place of others,⁸³ something the left is not accustomed to doing, especially in a homogeneous country in which the most recent ideas about the culture of tolerance for diversity had yet to penetrate.

It's always been engraved in my memory, it's as though we were "disembarking" there in El Dorado [a rural area]. We went in a pick-up truck early one Sunday, with my group from the union.... There, the people from El Dorado were waiting for us; they had more or less mapped out the zone that we were to cover, and they divided us into pairs. It was an interesting experience to go through an area that we weren't familiar with, with a pretty negative response from the people... We had to explain to them, there were people who didn't know what you were talking about. I was always very careful when giving information, trying to respect that the person had to decide freely.... I was left with the image of the people's fear. Of course, because I was going through the exercise in reverse, putting myself in the other guy's place: I never saw a member of the military because there was never any repression here, nor strikes, nor Tupamaros--in the little farm on the outskirts of El Dorado--and I have a very vague idea of what is happening politically in the country, and two women come along who I don't know and they ask me to sign for something that's political: so I don't sign the first time I'm approached.⁸⁴

At first I was afraid of being rejected for being a former political prisoner. But I gradually let go of the fear and learned to listen and to talk with people. For me it was extremely important to visit neighborhoods that I didn't know, to see how people lived, what problems they faced. Even to speak with women who would receive you surrounded by children and who would listen to you, and they didn't have enough to eat.

⁸³ See in this respect the work of Gabriel Kaplún. In: *Empezar por el vecino* (unpublished paper of Aportes, SERPAJ, and CIDC), and in the popular education journal *Pasacalle* (No. 1, Montevideo, 1989).

⁸⁴ Interview with Ema Zaffaroni, Neighborhood committee of Colón.

It was a way of putting my feet on the ground.⁸⁵

For their part, the common people discovered the activists. The contact between the deep Uruguay and political and social activism had always been circumstantial and localized; but in 1987 it was massive, for the first time.

In collecting signatures we made rounds in the interior of the department. In one day five cars, with five people each, went out, and we covered five different areas. It was formidable: we collected 140 signatures. In a little town with no electricity, we collected signatures in a bar by the light of a lantern. In Illescas we entered another bar where people were playing cards, and after the first ones signed, everyone wanted to sign.... At that stage there was no dairy farm or ranch that remained to be visited.⁸⁶

4.3.3 Putting oneself in the other's place

The *brigadistas* visited one in three Uruguayans. In the interior, in some peripheral areas of Montevideo, it was the first time that had happened. On many occasions there were communication problems, but these were overcome by both sides, because it was a communicative interaction that made the transition from discourse to a logic of dialogue.⁸⁷

Door-to-door canvassing had never been done here. It was difficult for us to get out, after we learned. No one was attacking us, but it seemed to us that they didn't understand us. There was a lack of training; you need to know how to approach people. It's not that people don't want to listen, but that you say things that they don't grasp. When we explained things well and they understood, conversations would follow in which we'd discuss a bit of everything. In the small towns it was easier, people invited you into their homes; you could tell they needed to talk.⁸⁸

4.3.4 Affectivity, the great catalyst

No less significant is the quality of human relations that evolved in the movement. All the people interviewed, from the top leadership to the grassroots, highlighted the profound affectivity that they experienced in their interpersonal relationships, the especially warm and fraternal ambience within the Commission. In the age of instrumental reason, the pro-referendum activists learned to respect one another, to love one another, to care for one another, to support one another in difficult moments.

⁸⁵ Departmental Committee of Salto, María M. Delgado, op. cit.

⁸⁶ Departmental Committee of Florida. María M. Delgado, op. cit.

⁸⁷ Gabriel Kaplún, op. cit.

⁸⁸ Departmental Committee of Treinta y Tres. M.M. Delgado, op. cit.

People would come at the end of the day with the burden of their family, their work, the party ... but they would overcome that and they came. That dedication on the part of the *compañeros* made you value them more, as you came to see their limitations. And when there were tensions, you would discuss them and try to work it out to that they wouldn't be detrimental to the work. The group was able to overcome a great many things, learning to get to know one another. We all have prejudices and fear of finding common ground with others. But we gradually let go of them.⁸⁹

Several testimonies describe that reality: the young woman who felt she was being treated like a daughter by the CNR veterans, the young man who received support from the entire CNR when his father died, the committees that celebrated birthdays, weddings, and births as though they were all part of one family, those who continued to meet for a long time afterwards, because they missed one another.

The day after the plebiscite, without having made any arrangement, more than 50 of us met in a plenary session. We had a round in which everyone spoke. It was like group therapy: those whose spirit was on the ground emerged strengthened, valuing things they hadn't seen.... In addition, that day an older woman from the Commission was awaiting a bus in Montevideo, very bitter. Suddenly she felt a strong embrace: it was a 12-year-old boy, the brother of one of the youths from the publicity workshop. It was a gesture of consolation....⁹⁰

5. Sowing green

Ten years after the plebiscite, many ask themselves: "What is left of the 'green country'?" The extraordinary experience of the referendum had left many feeling hopeful that this pooling of efforts and persons could be transformed into political project for change of broader appeal than that of the left. Nonetheless, the national elections that same year discouraged such hopes, as no such alliance emerged, and the coalitions were the same as always. Nonetheless, the left grew substantially and won the municipal government of Montevideo.

The first leftist mayor of the capital was Tabaré Vázquez, who had been a member of the CNR Executive Committee and its treasurer. The new municipal cabinet was made up of many leaders and experts of what had been the CNR, some performing tasks similar to those for which they had responsibility in the Commission. In the 1994 elections, in which Vázquez was a presidential candidate, some leaders of minority sectors within the traditional parties who had supported the referendum left their parties to join the Frente Amplio left coalition (including the vice-presidential candidate, who came from the Partido Nacional and was from the interior).

⁸⁹ Departmental Committee of Salto. M.M. Delgado, op. cit.

⁹⁰ Departmental Committee of Florida, M.M. Delgado, op. cit.

The referendum was a seedbed of political leaders and the visible beginning of a process of accumulation of experience, in the citizenry, which has steadily and increasingly upheld options for change. Several of the persons interviewed stated their belief that the personal contact they'd had with human rights issues changed the political perceptions of many people.

While everyone agrees that an organizational and participatory experience of such dimensions has not recurred, many consider that it changed the country forever, even though the process is still slow and not always visible.

That new way of doing politics endured, though it was not embodied in institutions. Twelve years later, we can say that the traditional way of doing politics remains in the more structured spaces, though not intact. The durability of what is new must be sought, therefore, in less institutionalized forms, in styles that persist, or are re-created; in unstable groups, in decentralized forms of participation, and in movements that crop up here and there, with ever greater creativity and autonomy of civil society with respect to the political system.

In Montevideo, those new realities have been strengthened by the process of participatory decentralization which the municipal government has fostered since 1990.⁹¹ In the interior, sectoral producer movements and multisectoral movements have arisen that are changing the map of electoral politics and recreating leaderships and forms of participation in some departments.

Some of the persons interviewed indicated that the referendum also marked the beginning of a new form of women's participation at the neighborhood level. "I believe that women began to take the place of men in the old neighborhood committees (*comisiones barriales*). And women have another style: instead of staying within the four walls playing cards, having a glass of wine or bowling, they went out to make contact with others, for a thousand things, and seek, and they are more talkative, and they hear other women's problems, and begin to move to seek solutions.... It is a social phenomenon that I believe grew out of women's participation in the green vote. In the neighborhoods today it is the women who take the initiative."⁹²

Also significant is the sensitization of young people to the question of impunity, which is expressed intermittently but intensely through their massive participation in the annual May 20 march,⁹³ in some demonstrations and calls from the group HIJOS⁹⁴, and more recently in the November 1999 election campaign.

⁹¹ The Frente Amplio won the Montevideo elections again in 1994.

⁹² Neighborhood committee of Las Acacias.

⁹³ Against impunity and for the disappeared.

⁹⁴ As in Argentina, in Uruguay an organization of children of the detained-disappeared was formed.

In a more far-reaching analysis, some of the persons interviewed considered that popular participation was also affected by different aspects of globalization: the fall of the socialist bloc; the neoliberal economy, which has taken a heavy toll on workers and trade unions; the changes in the culture of everyday life (with cable TV and the computer people are more enclosed in their homes, and there's more individualism).

Yet it was also noted:

It seems to me that we are accumulating experience in a different way than we did before; I believe that increasingly people are more open to change, but they are also more closed in. And some people, who before were political activists, and participated in the green vote, are in the social movements in the neighborhoods in new areas that are more pluralistic, in which people from different sectors relate to one another. For while there are many people from the Frente Amplio, there are also people who have nothing to do with the left. And they are engaged in a process of coming together, of discussing and doing things together. So it seems to me that we are at a moment of change, not necessarily of backsliding. It's as though we don't know which way to go, but there we are, on our feet, hoping.⁹⁵

José Luis Rebellato, philosopher and popular educator, put it as follows:

The struggle for human rights continues; the struggle for justice, for a dignified life, for the needs of the people, for their leading role, does not end with a law. The green front cannot become atomized; we all have to find ways to make it a transformative front. Learning that the process is slow because it is much more complex and rich than how we think of it in our minds, because it is engaging in politics with the people, discovering together the reality in order to transform it. The figures may be more or less questionable quantitative indicators, but they do not express the qualitative capacities for change that one finds in the people. That is the great green challenge.⁹⁶

⁹⁵ Neighborhood committee of Las Acacias.

⁹⁶ El desafío verde, in Pasacalle No. 1. Montevideo, 1989.