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URUGUAY: TO FIND THE TRUTH IS TO OVERCOME THE PAST

Amnesty International is today demanding a thorough investigation into recent declarations by former members of the armed forces which confirm human rights violations were committed during past military governments.

These human rights violations include killings and torture, and the possible fate of 32 people "disappeared" in Uruguay and more than 100 Uruguayan citizens "disappeared" in Argentina.

"It is crucial that a full and independent investigation takes place urgently," Amnesty International said today. "These declarations could shed new light on the whereabouts of the victims, the circumstances under which crimes were committed and the identity of those responsible."

"The relatives of the victims of human rights violations have the undeniable right to a full investigation of the truth about the fate of their loved ones and to public disclosure of the final findings."

The most recent declaration was the public letter by former Navy Captain Jorge Tróccoli dated 5 May in which, as a member of the armed forces, he admits his share of responsibility for the killings and "disappearances" which took place between 1973 to 1985. The content of Jorge Tróccoli's communication goes on to confirm declarations published in February and April 1996 by former members of the Uruguayan armed forces which corroborated human rights violations committed by Uruguayan military personnel and during combined military operations with Argentine security forces.

Although legal redress in Uruguay has been exhausted under the Expiry Law of 1986 (*Ley de Caducidad*), Amnesty International is again calling on the Uruguayan authorities to accept their responsibility under international law to investigate past human rights violations.

BACKGROUND

In December 1986, during the first government of President Julio María Sanguinetti, the Uruguayan Parliament approved Law 15848, Expiry Law (*Ley de Caducidad de la Pretensión Punitiva del Estado*). It granted exemption from punishment to all police and military personnel responsible for human rights violations committed before 1 March 1985 if such acts were carried out for political motives or in fulfilment of orders. In April 1989 a national referendum resulted in the retention of the Expiry Law.

Under the Expiry Law the government had responsibility for administrative investigations into "disappearances" during military rule. However, the investigations were entrusted to military prosecutors, leading to serious doubts regarding the impartiality of the investigations.

Amnesty International has repeatedly expressed its concern about the Expiry Law. In not providing guarantees for full and impartial investigations of "disappearances" and extrajudicial executions, relatives of victims have been deprived of legal means to establish the fate and whereabouts of their loved ones. Amnesty International has been concerned that the terms of the Expiry Law might conflict with Uruguay's responsibilities as a party to international human rights treaties.

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