

GLOBAL INFORMATION SOCIETY WATCH 2011

INTERNET RIGHTS AND DEMOCRATISATION

Focus on freedom of expression and association online



This edition of Global Information Society Watch is dedicated to the people of the Arab revolutions whose courage in the face of violence and repression reminded the world that people working together for change have the power to claim the rights they are entitled to.

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URUGUAY

THE BATTLE AGAINST FORGETTING IN URUGUAY



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Introduction

Uruguay is considered a bastion of democracy in the Latin American region, with high levels of support for democracy and the ongoing institutionalisation of democratic practice.

Nevertheless, since the end of the period of dictatorship (1973-1985), one issue remains unsolved: the legal amnesty given to members of the military and police forces who committed human rights violations during that period.

Over the last 26 years, human rights organisations and the Frente Amplio (FA) party (now the ruling party) have been fighting for justice and against amnesty. In 1989, a referendum on the annulment of the amnesty law took place, but it was found that the law was supported by the majority of people. In 2009, citizens were called to vote in a plebiscite on the annulment of the law, but the result was negative once again. Finally, in 2011, another unsuccessful attempt was made to persuade parliament to scrap the law.

Despite the failure of these initiatives, civil society has become a key player leading the ongoing struggle for human rights. In this struggle, the internet has become an important tool for creating awareness.

Policy and political background

Law 15,848 of 1986, commonly known as the “amnesty law”, legislates that the state is unable to punish crimes against humanity committed by the military and police during the dictatorship. It also states that these crimes against society can only be investigated with prior authorisation from the Executive of the Judiciary.

The amnesty law was passed in a historical context characterised by fear. In early 1985, after the dictatorship ended and new parliamentary and executive authorities were elected, formal complaints about human rights violations committed during the period 1973-1985 were made.

As a consequence, a state of unrest arose among the armed forces, and its members refused

to appear before the courts. At the same time, fear started to grow amongst the new democratic authorities who thought that the military would disregard judiciary decisions, which could ultimately result in a new period of dictatorship.

The government of President Julio María Sanguinetti began negotiations between the government and opposition parties in order to find a legal solution to this matter. As a result, the parliament passed the amnesty law just in time to avoid the military being in contempt of court.

Members of the FA, the ruling party in Uruguay since 2005, had borne the brunt of the persecution during the dictatorship because of their leftist political leaning. Although in its first term of government the FA agreed not to annul the law, it gave the judiciary power to conduct investigations which ended in the imprisonment of several members of the military and civilians. Despite this, the FA did not take a leading role in the campaign to collect signatures supporting the annulment of the law in 2007. As a result, the so-called “YES” campaign launched during the subsequent plebiscite was unsuccessful.

In its second term, the FA promised to overturn the amnesty law and in 2010 started a parliamentary debate. This occurred in a complex political context where ethical discussions about the decision of the governing party to overrule what citizens had decided in the plebiscite took place.

Initiatives against the law

After the law was approved, as mentioned, there were several initiatives to expunge it from the Uruguayan legal system:

- **First referendum** This process began in 1987 with the collection of signatures to call for a referendum. This led to a referendum on 16 April 1989 popularly referred to as the “Green Vote”,¹ aimed at repealing the law. This was not successful, although 43% of those who took part in the referendum voted in favour of repealing the law. This decision marked the perspective of subsequent governments, which avoided discussing the issue for the next twenty years. However, civil

¹ In the referendum there were two ballots to choose from: the “yellow vote” to keep the amnesty law in force, and the “green vote” to repeal it.

society continued to campaign on the issue during the time.

- **Plebiscite on the law's annulment** In 2004, the FA came into government for the first time, and committed to limit the scope of the law. The new administration established criteria to allow certain crimes to be prosecuted. This resulted in various investigations into human rights violations during the dictatorship and the prosecution of those responsible. However, there was little other progress regarding the annulment of the law.²
In September 2007 civil society organisations³ began a campaign to collect signatures for a partial annulment of the law.⁴ Although in December 2007 the FA decided to support the campaign, this support did not come to much: the political party did not support the campaign financially, or in ways that reflected the importance of the debate for the party. Despite this lack of political support, the campaign organised by civil society gathered 340,043 signatures. In a plebiscite held on 25 October 2009, the effort was rejected: 47.98% voted for the annulment but more than 50% of the votes cast were needed to bring about change.
- **Bill interpreting the amnesty law** In 2010, the FA introduced a bill that offered an interpretation of the amnesty law. This stated that certain articles were in violation of the Constitution. After a complex parliamentary process with strong support from civil society, the bill was not approved because it did not garner the necessary majority.

Social resistance online

The fight against the human rights violations committed during the Uruguayan dictatorship has been driven by human rights organisations and relatives of the “disappeared”,⁵ as well as the FA.

But over the last six years that the FA has been in government, its attitude towards the amnesty law has been moderate. The FA set up criteria

that allowed many cases to be investigated and a number of military men and civilians responsible for the crimes were found guilty. Progress was also made in the investigation and search for disappeared persons and, as a result, the remains of several of them were found in military compounds.

Although civil society plays a key role in the struggle against amnesty, the support of the FA has always been significant. However, its low profile during the most recent campaign to collect signatures resulted in a shift in the approach by activists that was clearly felt in 2007 with the introduction of the internet and Web 2.0 tools as key elements of campaigning.

Social and political participation in Uruguay is closely linked to political structures, including the influence of trade unions. This means that participation takes classical forms, such as mass rallies and marches and the use of radio and newspaper as forums for expression and the exchange of ideas.

However, not all followers of a party or organisation are involved in these structures, either by choice or by chance. Many believe that in order to make participation effective, they need specific skills or qualifications, as well as the time.

In this context, people who did not feel the traditional forms of participation were relevant to them began to use the internet and Web 2.0 tools. The new media tools were used in a way which was neither coordinated by nor necessarily linked to a formal organisation.

Web 2.0 tools started to play an important role in citizen participation. Websites, groups on social networking sites like Facebook, online discussions, videos, presentations and articles that addressed the issue of amnesty began appearing on the internet.

In the process of collecting signatures in support of a plebiscite in 2009, Web 2.0 tools had an important role to play in disseminating the objectives of the campaign, which at that point had a minimal presence in the mass media. Videos that encouraged people to sign the call for a plebiscite were uploaded on YouTube (at this stage the FA did not actively participate in the campaign).

Once the signatures were collected, the “YES” campaign started and Web 2.0 played a significant role in the context of a weak response from the mass media. Web 2.0 tools were used in conjunction with marches, rallies, and the printing of stickers and fliers. Again, YouTube played an important and unique role during the campaign.

When the plebiscite was lost, post-plebiscite campaigning began, with Web 2.0 tools forming the centre of those activities. The aim of the campaigning was to create an avenue for people to express

² Due to political circumstances surrounding the 2004 national elections, the FA promised that the law would not be annulled or repealed. This was part of the political costs of being a leftist political force in the national government for the first time.

³ In particular, the PIT-CNT (the central trade union federation), groups of relatives of the disappeared, the University Students Federation of Uruguay (FEUU), and some of the parties that make up the Frente Amplio, which is a coalition party: the Communist Party of Uruguay (PCU), Nuevo Espacio (NE) and the People's Victory Party (PVP).

⁴ The aim was to nullify Articles 1, 2, 3 and 4 of the amnesty law. To call a plebiscite it is necessary to collect a number of signatures equal to 10% of those eligible to vote (about 250,000 people).

⁵ en.wikipedia.org/wiki/Forced_disappearance

their feelings on the loss of the plebiscite. Dozens of Facebook groups criticising the results and calling for people to carry on the struggle were created.

Shortly after this, a move began to push for parliament to annul the law – an advocacy drive which is ongoing. Dozens of Facebook groups were created in support of this, and numerous events have been held with the objective of getting feedback on how events are unfolding, and to continue to push for change.

Conclusions

Despite the failure of the referendum and plebiscite, social networks played an important role in the construction of new means of social and political participation. They increased the participation of citizens who do not normally participate in traditional channels created for political participation.

The use of information and communication technologies (ICTs), especially Web 2.0 tools, has helped the fight for human rights despite the lack of FA support. The tools help consolidate a strategy of resistance and social and political participation. Since the first judicial investigation was approved by the FA government, the internet has played a role in the dissemination of decisions taken by the court, as a way to express the feelings and ideas of citizens, and to continue to demand that action be taken by the governing party.

Web 2.0 tools were used at times when institutions would not support the fight against amnesty, and civil society had little access to the mass media.

Social networks – mainly Facebook and YouTube – were used to circulate the objectives of the struggle, to call for the participation and commitment of thousands of citizens, and to express and exchange views. The struggle has not ended and the internet will have an increasingly important role to play in the social resistance for justice and memory.

Thoughts towards action steps

- In Uruguay, the support of the party system is fundamental to any struggle related to human rights or to any civil society initiative. This is reflected in the lack of support from the FA at the stage of collecting signatures for the plebiscite and during the “YES” campaign, an absence which determined the failure of the initiative.
- Using the internet for social resistance requires the proactive participation of supporters of a cause, who should be encouraged to find ways to participate.

- The use of the internet in social resistance is an important way to get support from people who do not normally participate in traditional forms of political engagement and struggle.
- However, activists should seek ways to link campaigns using new media tools with the potential of traditional media, given that new media typically do not seem to attract people to a cause when they do not already share a point of view. ■

Links to civil society organisations involved in the fight against the amnesty law

Anular la ley de Caducidad de la Pretensión Punitiva del estado en Uruguay
www.causes.com/causes/542971

Campaña por la extradición de Manuel Cordero
www.rel-uita.org/campanias/cordero-2008/formulario.shtml

Comisión Derechos Humanos Aecco
www.facebook.com/#!/profile.php?id=100001107864314

Comisión Derechos Humanos Ceup
www.facebook.com/#!/profile.php?id=100000446391142

Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos (FEDEFAM)
www.desaparecidos.org/fedefam

Hijos Uruguay
hijosuruguay.blogspot.com/
www.facebook.com/profile.php?id=100001714707283

Iguales y punto
igualesypunto.blogspot.com

Madres y familiares de uruguayos detenidos desaparecidos
www.desaparecidos.org.uy/madresyfamiliar.html

Nos sobra una ley – Cine documental
www.nossobraunaley.com

Por la nulidad de la ley de caducidad
www.nulidadleycaducidad.org.uy

Servicio de paz y justicia (SERPAJ)
www.serpaj.org.uy/serpajph

In the year of the Arab uprisings **GLOBAL INFORMATION SOCIETY WATCH 2011** investigates how governments and internet and mobile phone companies are trying to restrict freedom online – and how citizens are responding to this using the very same technologies.

Everyone is familiar with the stories of Egypt and Tunisia. **GISWATCH** authors tell these and other lesser-known stories from more than 60 countries. Stories about:

PRISON CONDITIONS IN ARGENTINA Prisoners are using the internet to protest living conditions and demand respect for their rights.

TORTURE IN INDONESIA The torture of two West Papuan farmers was recorded on a mobile phone and leaked to the internet. The video spread to well-known human rights sites sparking public outrage and a formal investigation by the authorities.

THE TSUNAMI IN JAPAN Citizens used social media to share actionable information during the devastating tsunami, and in the aftermath online discussions contradicted misleading reports coming from state authorities.

GISWATCH also includes thematic reports and an introduction from Frank La Rue, UN special rapporteur.

GISWATCH 2011 is the fifth in a series of yearly reports that critically cover the state of the information society from the perspectives of civil society organisations across the world.

GISWATCH is a joint initiative of the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos).

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www.GISWatch.org

