Unlike Argentina’s role as a global trendsetter in the TJ field, Uruguay’s TJ experience was instead characteristically Uruguayan, that is, it reflected several enduring features emblematic of this country such as negotiations, pacts, concern with stability and governability, and slow and conciliatory attitudes. These characterized both the transitional phase in the 1980s and TJ throughout the decades, generating an environment of complete impunity and top-down policies of silence for many years. Indeed, progress on truth and justice was blocked for a very long time by an impunity law, which prevented all investigations into and prosecutions of past atrocities; the first attempt at a truth commission only occurred 15 years after transition and the first criminal charges were successfully brought in 2002.

Uruguay followed a completely different path to that of Argentina when it came to addressing the legacy of dictatorship-era atrocities. This chapter demonstrates how—despite being often overlooked—Uruguay’s TJ trajectory is still instructive and fascinating. The chapter delineates two phases between 1985 and 2012, each triggered by a critical juncture. During the first, “The Ley de Caducidad: Impunity, Silence, and the Voto Verde Referendum 1986–2004,” the executive effectively obstructed the search for truth and justice through the parliamentary adoption in 1986 of the Ley de Caducidad de la Pretensión Punitiva del Estado (Law 15.848, hereafter Ley de Caducidad); this choice favoring impunity resulted from the negative opposition moment in 1986, when the armed forces expressed their hostility to any revision of their actions during the dictatorship. The Ley de Caducidad and its confirmation at the voto verde referendum signaled the beginning of two decades of complete impunity. Starting from the mid-1990s, however, the subject of past crimes began to
slowly resurface, mainly owing to civil society actions pushing for accountabil-
ity and also the existence of regional and international settings more conducive
to pursuing justice (*reaction phase*). Civil society pressures, a more auspicious
accountability environment vis-à-vis the 1980s, and the availability of informa-
tion regarding the real extent of the human rights repression generated enough
momentum during the *reaction phase* to trigger the second (positive) critical
juncture, the *evidentiary, international, opposition, and political moments*, and
a corresponding new phase in TJ. This second phase, “(Limited) Justice and
the Enduring Tentacles of Impunity, 2005–2012,” witnessed the first signs
of significant progress toward truth and justice, such as the development of
reparation policies, excavations to search for the disappeared, and a progressive
application of the Ley de Caducidad by *Frente Amplio* executives that enabled
criminal prosecutions to take place, eventually culminating in the derogation
of the Ley de Caducidad in late 2011.

Argentina and Uruguay emerged from military rule within just over a year of
each other, December 1983 and March 1985 respectively. Uruguay has always been
a keen observer of events in Argentina as there is a strong relationship between
these countries. So it should not be surprising that in framing its response to past
abuses, Uruguay kept an eye on what was occurring in Argentina. Nevertheless,
this “contagion effect” should not be exaggerated, as in the early stages of transi-
tion the spillover from Argentina into Uruguay was rather limited (Pion-Berlin
1994). In fact, a rather different scenario existed in Uruguay, one characterized by
the armed forces being in a much stronger position, having negotiated their way
out of power with political parties; an initially weaker civil society that, although
instrumental in turning popular discontent into systematic mobilization against
the regime in 1983, was eventually left out of secret transitional negotiations
(Markarian 2005); and the 1984 election of a government from the conservative
and traditional Colorado party, which had close ties to the military and little
commitment to accountability. Unlike Argentina, there was no immediate criti-
cal juncture or shift in terms of TJ upon transition; rather a lot of continuity
initially existed between the responses to human rights atrocities implemented by
the government and those during the dictatorship, namely denial, impunity, and
indifference. It was only because victims and their relatives began to present cases
to the courts that military insubordination became a real menace prompting the
first phase of TJ.

La salida p actada

Unlike Argentina’s humiliating defeat in the 1982 Falklands War, which had ush-
ered in the collapse of its dictatorial regime, the return of democracy in Uruguay
saw a military force that, though unable to implement its desired *democradura*