

URUGUAY

Last updated: 7 October 2016

RULES/GENERAL LAWS

- 1. International Law and Humanitarian Law;**
<http://www.parlamento.gub.uy/leyes>
- 2. Uruguayan Defence Guidelines Act N 18.560 (2010);**
- 3. Decree 305/003-R.G.S. No. 21: Disciplinary Regulation for the Uruguayan Army;**
- 4. Decree 180/001-Disciplinary Regulations for the Uruguayan Navy;**
- 5. Decree 55/994 - Disciplinary Regulations for the Uruguayan Air Force;**
- 6. Decree 500/991, Administrative Governmental Regulations;**
- 7. Military Rules and Regulations;**
<http://www.impo.com.uy/bases/decretos>
- 8. Administrative Law and Civil Law when applicable;**
- 9. Decree 686/996(1996) Manual of Military Justice representatives;**
- 10. Military Criminal Code;**
- 11. Army Command Directive 03/04 (2004);**
- 12. Army Command Directive 01/05 (2005);**
- 13. Uruguayan Air Force Command Directive No. 5856 (2005);**
- 14. Uruguayan Navy Command Directive established in 2005.**

General

United Nations rules on Sexual Exploitation and Abuse are implemented in the field through:

- a) The Protocol to address Sexual Exploitation and Abuse and paternity cases involving Uruguayan personnel in PKO, which binds the authorities to open an investigation at any allegation communicated to Uruguayan authorities;
- b) Military directives of the Armed Forces implementing Zero Tolerance Policy to SEA;
<http://www.mdn.gub.uy/public/admdoc/144541d98bcec1f39b64d0ca32767c05/BOLETIN11977ANEXO.pdf>
- c) Pre-deployment and on-deployment training.

SEA: military offence?

Yes, sexual relations with local populations is a serious offence as per **Military Directives of the Commanders in Chief** (Army, Navy and Air Force). Therefore, an individual breaking the mentioned directives could end up in a court martial.

Powers of the Commanding Officer (CO)

The National Contingent Commander and Battalion Commanders, acting within the legal framework, are authorized to promulgate specific rules and directives to fulfill their duties and responsibilities, in this case, regarding conduct and discipline issues.

See Protocol for the action of National Contingent Commanders deployed in PKO, Decree 247/016.

Every member of a Uruguayan Contingent is bound to report misconduct. National Contingent Commander and Battalion Commanders are empowered to undertake preliminary investigations and report the facts to Uruguayan authorities.

INVESTIGATION

Who can investigate?	Uruguay does not deploy Military Police. When a Sexual Exploitation and Abuse allegation arises, UN Military Police could undertake an investigation if applicable. Given the immunity of jurisdiction prescribed for UN personnel, neither Civilian Police, nor Civilian judges are authorized to investigate SEA or other allegations of a Uruguayan Contingent in the field . The usual procedure is to have a preliminary administrative investigation under the authority of the National Contingent Commander, and the administrative investigation established in Uruguay, without prejudice to the findings of Military Justice, if a military crime is presumed.
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National Investigation Officer (NIO)	National Investigation Officers are called to investigate allegations, appointed as such by the Ministry of Defense and they act apart from the preliminary investigations. This procedure tends to safeguard the objectivity of the National Investigation Officer in the facts.
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PROSECUTION

Referral	The National Investigation Officers refer the investigation to the Ministry of Defense, once it is completed.
Who can charge?	<p>http://www.impo.com.uy/bases/codigo-penal/9155-1933</p> <p>Sexual Exploitation and Abuse acts only constitute a crime under the Uruguayan Law if they involve any sexual crime prescribed in the Uruguayan Criminal Code (rape, assault). Uruguayan civilian judges can bring charges for said crimes, based on the preliminary investigations held in the mission area regarding Sexual Exploitation and Abuse. On the other hand, SEA acts violate military directives regarding fraternization with local people and the prohibition to have sexual relations with them, and as such, they are prosecuted in the Military Justice.</p>

JUSTICE

Military justice	<p>http://server6.parlamento.gub.uy/codigos/codigopenalmilitar/1943/cod_penalmilitar.htm</p> <p>Uruguayan Military Justice applies strictly to military crimes. An Officer of the Uruguayan Contingent is appointed as a Military Justice representative with full powers to act in preliminary findings of a court martial.</p>
Deployable Court Martial?	Uruguay does not have a Court Martial system in peacetime. In wartime it is possible to establish a court martial if general courts are not working, for example in attack area.

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