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Transitional Justice and the Rule of Law – East European Examples

Tunisia, Egypt, Libya, Syria, Yemen, these countries are in the headlines, the transition which goes on in this part of the world often compared with the East European transitions of the 1990's. There has been an increasing interest by politicians, human rights scholars and activists on the issue of so called "transitional justice". How did the East European post-dictatorships react to the human rights violations of the previous regime? What kind of lessons could be learned from these experiences? How can we use these experiences in the case of new North African, and Middle-East political, and historical reality?

Transitional justice has to do with situations in which a previously authoritarian regime has given way to a democratic one, and the new democracy is faced with the problem of how to address the human rights abuses of its predecessor.

Transitional societies necessarily face with the past in general, and the legacy of human right violations in the previous regime in particular. The way of dealing with past very much depends on the power relations at the time the transition towards democracy starts. The most radical revolutionary way of transition is the violent overthrow or collapsing of the repressive regime, there is then a clear victory of the new forces over the old order. Democracy can also arrive at the initiative of reformers inside the forces of the past, or as a result of joint action by and negotiated settlement between governing and opposition groups. The paper will discuss the differences in the type of transitions affect efforts to deal with the past.

In my paper I'd like to focus on the different models which were used by the European countries under transition, especially the prosecution and criminal trials against the most serious offenders of human rights violations, the vetting or cleansing of security forces, the fate of the former secret agents and secret files.

I'd like to elaborate the role of the transitional justice on the strengthening of the rule of law in the post transition societies.