TRANSITIONAL JUSTICE

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Course Description

There has been an increasing interest by human rights scholars and activists on the issue of so called “transitional justice”. Transitional justice has to do with situations in which a previously authoritarian regime has given way to a democratic one, and the new democracy faces the problem of how to address the human rights abuses of its predecessor. Transitional societies necessarily have to find a way of coping with the past in general, and the legacy of human right violations in the previous regime in particular. This process of dealing with the past very much depends on the power relations at the time when the transition towards democracy starts.

The course tries to shed light on the normative and institutional framework of these measures. Class sessions will be dedicated to discussions on criminal accountability, amnesty laws, truth revelation efforts, lustration, reparation programs, and the role of different relevant stakeholders and institutions, such as the United Nations, regional international organizations, civil society actors, international, hybrid and domestic criminal courts, or truth commissions.

We will discuss the different models of transitional justice like the so called “Amnesia Model” used by Spain after the fall of the Franco regime, the “Selective Punishment Model” which was implemented in Greece, the “Historical Clarification Model” of Guatemala, the “Mixed Memory and Punishment Model” of South Africa, and the role of international and hybrid criminal courts in the former Yugoslavia, Rwanda, East Timor, Sierra Leone and Uganda. We will try to analyze and compare the methods used in Southern Europe in the seventies and eighties, in South America after the collapse of dictatorships, Central and Eastern Europe after the fall of communism, and South Africa after the apartheid regime.

The lectures, however, mainly focus on the present and the future, since even today a large number of countries are facing the problem of transitional societies, and are seeking reasonable and fair methods to deal with the legacy of the past.
Class Sessions

- **1st week**
  - Introduction. What do we mean by transitional justice, basic arguments.

- **2nd week**
  - The first generation of transitional justice, the Nuremberg trial, the problem of international criminal justice.

- **3rd week**
  - International Criminal Tribunals (Rwanda, Former Yugoslavia), the ICC.

- **4th week**
  - Transitional Justice in Europe (Spain, Portugal, Greece) 1.

- **5th week**
  - Transitional Justice in Europe (Spain, Portugal, Greece) 2.

- **6th week**
  - South Africa (the Truth and Reconciliation Commission).

- **7th week**
  - Transitions in Eastern Europe
- **8th week**
  - Eastern European Models (Poland, the Czech Republic, the former East Germany)

- **Visit to the Terror House Museum**

- **9th week**
  - Eastern European Models (Poland, the Czech Republic, the former East Germany)

- **10th week** The Hungarian Solutions: Volley Trials. Annulment Laws.


- **12th week** EXAM
Readings

Assessment

The course evaluation will be made after a **written exam** where the students have to answer 5 questions about the topic of the course.