

Beyond Lustration **Truth-Seeking Efforts in the Post-Communist Space**

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Abstract

While the topic of transitional justice in the post-communist world has been largely constrained to discourse on one subject, lustration, this essay highlights the varied nature of transitional justice policies that have taken root in the region. The overemphasis on lustration, and especially the most controversial elements of lustration policies, the essay argues, has distorted our grasp of communist-era rights abuses and detracted from our broader understanding of transitional justice in the entire post-communist region. Lustration is important, but its prevalence is emblematic of a broader process being carried out in search of “the truth.” Here, the essay uses lustration as a launching pad to explore the variety of truth-revelation procedures that have been enacted in countries from two geographical subregions of the former Soviet Union (the Baltics and Central Asia) and two subregions of Central Europe (northern and southern). This sampling of just one justice sphere, the essay concludes, highlights the need to reassess justice in the region more generally.

Key words: Human rights, post-communism, transitional justice, lustration, truth commissions, Central Europe, Balkans, Baltics, Soviet Union, Central Asia.

To many scholars and practitioners, lustration (the practice of “cleansing” or purging elements of the former communist regime from parts of the polity) and transitional justice are synonymous in the post-communist world. This is not surprising, given the very public nature of the controversies that have characterized lustration since its East European inception. Yet, transitional justice is a broad and highly inclusive term, and many forms of justice, from issuing condemnations of the previous system and rehabilitating its victims to imprisoning former torturers, have occurred across the region. This essay seeks

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to highlight the diversity of just one sphere of justice, the great variety of truth-revelation measures that have been enacted in post-communist countries. Many of these, as well as a variety of other justice measures, have been overlooked by even those scholars focused on the post-communist world. Yet, the range of approaches is empirically and theoretically useful outside this region, as well.

The standard explanation of lustration's popularity in Eastern Europe hinges on the theory that the qualitative and temporal nature of past abuses has a determinative effect on the type of justice pursued.¹ Following Stalin's death, authorities in the communist world relied primarily on subtle and, for the most part, nonfatal forms of repression. Where large groups of people were responsible for relatively low-level abuses, as was the case in post-communist states that relied on extensive networks of informants to ensure societal compliance, criminal trials are either inappropriate or ineffective,² according to some scholars. As Tina Rosenberg noted, differentiating post-communist dictatorships from those of Latin America, criminal trials were not so easy for those "men and women who opened their letters, taught them lies in the guise of history, designed their pitiful Trabant automobiles, and took their passports."³ Lustration has been described by some as people's attempts at "revenge for their own humiliation" from not strenuously fighting the system.⁴

But lustration represents more than a half-hearted effort at retributive justice. It also can be seen as a partial unveiling of the past. By identifying how and through whom the former regime functioned, post-communist citizens are exposed, piece by little piece, to how their most recent histories were formed. Lustration, together with the declassification of secret police files and the sorts of truth commissions discussed so often in other parts of the world, might be grouped together as "truth-revelation procedures."⁵ Just as the politics of justice and memory frequently overlap,⁶ lustration can be seen as an attempt to punish but also an attempt to illuminate. Lustration is neither the only nor the most obvious mechanism of choice, however. Indeed, a deeper understanding

¹ Guillermo O'Donnell and Philippe C. Schmitter, "Tentative Conclusions about Uncertain Democracies," in *Transitions from Authoritarian Rule: Prospects for Democracy*, ed. Guillermo O'Donnell, Philippe C. Schmitter, and Laurence Whitehead (Baltimore, MD: Johns Hopkins University Press, 1986), 3-78.

² Andrew Rigby, *Justice and Reconciliation: After the Violence* (Boulder, CO: Lynne Rienner Publishers, 2001).

³ Tina Rosenberg, "Overcoming the Legacies of Dictatorship," *Foreign Affairs* 74, no. 3 (1995): 134-153.

⁴ John P. Moran, "The Communists Torturers of Eastern Europe—Prosecute and Punish or Forgive and Forget," *Communist and Post-Communist Studies* 27, no 1 (1994): 95-109.

⁵ Marek M. Kaminski and Monika Nalepa, "Judging Transitional Justice: A New Criterion for Evaluating Truth Revelation Procedures," *Journal of Conflict Resolution* 50, no. 3 (2006): 383-408.

⁶ W. James Booth, "The Unforgotten: Memories of Justice," *American Political Science Review* 95, no. 4 (2001): 777-791.

of the nature of abuses that were critical to the functioning of the communist system suggests that lustration is no more suitable than other forms of justice. This essay begins with an overview of lustration, exploring why lustration commonly has emerged in Eastern Europe and some of the dilemmas associated with it. Next is a discussion of the emergence of a much wider range of truth processes. The third section reviews how some of these processes were implemented in various subregions of the post-communist world. The purpose is to highlight a diverse sampling of truth processes that have emerged in the shadows of the lustration debate.

Is Lustration the Dominant Path?

In his editor's introduction to a 1995 special edition dedicated to the question of lustration, Siegelman confessed, "The reader will soon see that we are still searching for the appropriate vocabulary with which to frame and analyze the problems of lustration. Is it a human rights issue? Or a legal question? Or one of practical politics?"⁷ Reaching back to the term's Roman roots, Stinchcombe at the time broadly defined lustration as "drawing a ritual boundary between a new clean democratic regime and a bad old warlike, terrorist, totalitarian, and corrupt regime," possibly by banning members of the former regime from holding office in the new one.⁸ The vagueness of these descriptions reflected a lack of clarity in the literature—and, indeed, in the practice—concerning what precisely lustration is and is not.

Almost fifteen years later, we have a modest literature on lustration and a general consensus that lustration processes most basically are aimed at identifying and somehow punishing people who belonged to, or worked with, the communist-era secret police, the key rights abusers of the period.⁹ Yet, much of the literature either comes from a period before this consensus was reached or is based on particular cases of lustration that lead researchers to differ as to the punitive dimensions of lustration. For example, while some argue that lustration's consequences may be limited to "serious moral punishment,"¹⁰ others associate it with an automatic employment ban.¹¹ Still others (somewhat

⁷ Peter Siegelman, "The Problems of Lustration: Prosecution of Wrongoers by Democratic Successor Regimes," *Law and Social Inquiry* 20, no. 1 (1995): 2.

⁸ Arthur L. Stinchcombe, "Lustration as a Problem of the Social Basis of Constitutionalism," *Law and Social Inquiry* 20 (1995): 246.

⁹ Aleks Szczerbiak, "Dealing with the Communist Past or the Politics of the Present? Lustration in Post-Communist Poland," *Europe-Asia Studies* 54, no. 4 (2002): 553-572; Roman David, "Transitional Injustice? Criteria for Conformity of Lustration to the Right to Political Expression," *Europe-Asia Studies* 56, no. 6 (2004): 789-812; and Kaminski and Nalepa, "Judging Transitional Justice."

¹⁰ Kaminski and Nalepa, "Judging Transitional Justice."

¹¹ Luc Huyse, "Justice after Transition: On the Choices Successor Elites Make in Dealing with the

puzzlingly) argue that it should not be perceived “as a punishment” at all.¹²

The lustration debate has been complicated further by the ostensible objects of lustration. Scholars of transitional justice, and lustration in particular, often have associated lustration with “perpetrators” involved directly in human rights violations, frequently conflating the relatively minor violations of which some of these individuals may have been culpable (such as the right to privacy) with much more serious abuses.¹³ The argument that “lustration is a way to sidestep criminal prosecution” in post-communist states,¹⁴ is directed at “the organs of terror of that regime,”¹⁵ or is one way to decide “what should be done with the secret police, torturers, death squads, informers, and collaborators from the old regime,”¹⁶ obfuscates the nature of the crimes and, more importantly, the objects of lustration. Most targets of lustration had little or nothing to do with violent rights abuses which, anyway, were relatively uncommon after Stalinism. Lustration is clearly not a process of “putting on trial those who were responsible for the old regime,”¹⁷ nor is it synonymous with decommunization—the removal of people from public office for having served as (especially high-ranking) functionaries of the Communist Party or related institutions.¹⁸ Integrating these various concepts, consciously or unconsciously, distorts the process as well as the nature of guilt in post-communist societies.¹⁹

For those who connect transitional justice to the nature of abuses, lustration appears to fit the mold. In the post-totalitarian period (after

Past,” *Law and Social Inquiry* 20, no. 1 (1995): 51-78; Maria Los, “Lustration and Truth Claims: Unfinished Revolutions in Central Europe,” *Law and Social Inquiry* 20 (1995): 117-161; and Vojtech Cegl and Mark Gillis, “Making Amends after Communism,” *Journal of Democracy* 7, no. 4 (1996): 118-124.

¹² Natalia Letki, “Lustration and Democratization in East-Central Europe,” *Europe-Asia Studies* 54, no. 4 (2002): 529-552.

¹³ David A. Crocker, “Reckoning with the Past: A Normative Framework,” *Ethics and International Affairs* 13 (1999): 43-64, and Roman David, “Lustration Laws in Action: The Motives and Evaluation of Lustration Policy in the Czech Republic and Poland (1989-2001),” *Law and Social Inquiry* 28, no. 2 (2003): 387-439.

¹⁴ Luc Huyse, “Justice after Transition: On the Choices Successor Elites Make in Dealing with the Past,” *Law and Social Inquiry* 20, no. 1 (1995): 52.

¹⁵ Stinchcombe, “Lustration as a Problem of the Social Basis of Constitutionalism,” 255.

¹⁶ Stanley Cohen, “State Crimes of Previous Regimes: Knowledge, Accountability, and the Policing of the Past,” *Law and Social Inquiry* 20, no. 1 (1995): 9.

¹⁷ Erhard Blankenurg, “The Purge of Lawyers after the Breakdown of the East German Communist Regime,” *Law and Social Inquiry* 20 (1995): 223-243.

¹⁸ Szczerbiak, “Dealing with the Communist Past or the Politics of the Present?”; Kieran Williams, Brigid Fowler et al., “Explaining Lustration in Central Europe: A ‘Post-Communist Politics’ Approach,” *Democratization* 12, no. 1 (2005): 22-43; and Kaminski and Nalepa, “Judging Transitional Justice.”

¹⁹ Karl Jaspers, “The Question of German Guilt,” *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, vol. 1, ed. Neil J. Kritz (Washington, DC: United States Institute of Peace Press, 1995), 157-171.

1956), outright repression gradually mutated into more subtle forms of state control over society, including a strong police presence and large informant networks to keep opposition in check.²⁰ The scope of (secret) police activity, not uniform across states, was correlated with the ruling regime's perceived legitimacy (usually linked to the economic situation). Degree of repression also varied perhaps based on pre-communist-era political life, making some (for example, those states with historically weak communist parties relative to other opposition groups) more reliant on cooptation than coercion and even willing to permit occasional contestation.²¹ Scholars generally have referred to the post-totalitarian period as "civilized violence"²² or "selective repression," ranging from workplace dismissals and bans on foreign travel to the destruction of property, death threats, and abductions for the regime's most feared opponents.²³ The system was maintained by acquiescence among the general citizenry, who were culpable in their outward expressions of support or even complicit in the system's repressive apparatus.²⁴ For the most part, citizens of post-Stalinist communist states could usually, by keeping a low political profile, avoid harsh repression.²⁵

Proponents of lustration (whether as a process of public clarification of records or automatic employment bans for former collaborators) frequently have claimed that it is necessary to morally cleanse the state.²⁶ Former Czech President Vaclav Havel, for instance, argued that, "Our society has a great need to face that past, to get rid of the people who had terrorized the nation and conspicuously violated human rights, to remove them from the positions that they are still holding."²⁷ Lustration proponents, like those of other forms

²⁰ Helga A. Welsh, "Dealing with the Communist Past: Central and East European Experiences after 1990," *Europe-Asia Studies* 48, no. 3 (1996): 413-428, and Karel Bartosek, "Central and Southeastern Europe," in *The Black Book of Communism*, ed. Stephane Courtois, Nicolas Werth, Jean-Louis Panne et al. (Cambridge, MA: Harvard University Press, 1999), 394-456.

²¹ Herbert Kitschelt, *Post-communist Party Systems: Competition, Representation, and Inter-party Cooperation* (Cambridge, UK: Cambridge University Press, 1999).

²² Jacques Rupnik, "Totalitarianism Revisited," *Civil Society and the State: New European Perspectives*, ed. J. Keane (New York: Verso, 1988), 263-290.

²³ Andrzej Paczkowski, "Poland, the 'Enemy Nation,'" in *The Black Book of Communism*, ed. Stephane Courtois, Nicolas Werth, Jean-Louis Panne et al. (Cambridge, MA: Harvard University Press, 1999), 394-456.

²⁴ Claus Offe, *Varieties of Transition: The East European and East German Experience* (Cambridge, MA: MIT Press, 1997), 83-84.

²⁵ Donna Bahry and Brian Silver, "Intimidation and the Symbolic Uses of Terror in the USSR," *American Political Science Review* 81, no. 4 (1987): 1065-1098, and Shalom H. Schwartz and Anat Bardi, "Influences of Adaptation to Communist Rule on Value Priorities in Eastern Europe," *Political Psychology* 18, no. 2 (1997): 385-410.

²⁶ Tina Rosenberg, *The Haunted Land: Facing Europe's Ghosts after Communism* (New York: Random House, 1995), 68.

²⁷ Adam Michnik and Vaclav Havel, "Confronting the Past: Justice or Revenge?" *Journal of Democracy* 4, no. 1 (1993): 20-27.

of justice, see lustration as a tool to separate the past from the present and rebuild confidence in the state.²⁸ Pragmatists also have claimed that lustration eliminates political forces of yesterday and thus can “guarantee against the return of the old regime.”²⁹ More often, lustration supporters argue that the process is designed to reduce corruption and abuse of power.³⁰ This argument rests on the assumption that former agents have cause to fear disclosure of their past and are therefore vulnerable to blackmail by those with access to their secret police files.³¹ Lustration, then, might be considered a step toward democratic consolidation.³²

Despite these rationales, since their initial appearance, lustration laws have raised cries at home and abroad, with critics claiming that they violate, rather than advance, rule of law and basic human rights.³³ Lustration shares some dilemmas common to other forms of transitional justice, including temporal questions, such as the retrospective nature of transitional justice, the period of inquiry, and whether the old and infirmed are worthwhile targets, and spatial ones, including the scope of the inquiry.³⁴ Lustration also has been singled out for relying on flimsy evidence, fostering collective punishment, and proving easily politicized. As one former Polish dissident commented, “The concepts of lustration and decommunization that have emerged in almost all the former communist countries are not an accounting but a settling of accounts.”³⁵

One of the most significant lustration dilemmas concerns evidence of collaboration, normally drawn from official secret service records. In many instances, these records were at least partially destroyed by the outgoing regime or members of the security services who maintained their positions during and even after the transitions.³⁶ In other cases, records were sold off

²⁸ John Miller, “Settling Accounts with a Secret Police: The German Law on the Stasi Records,” *Europe-Asia Studies* 50, no. 2 (1998): 305-330, and Letki, “Lustration and Democratization in East-Central Europe.”

²⁹ Jacques Rupnik, “The Post-Totalitarian Blues,” *Journal of Democracy* 6, no. 2 (1995): 61-73.

³⁰ C. Charles Bertschi, “Lustration and the Transition to Democracy: The Cases of Poland and Bulgaria,” *East European Quarterly* 28, no. 4 (1994): 435; Letki, “Lustration and Democratization in East-Central Europe”; and Roman David, “Transitional Injustice? Criteria for Conformity of Lustration to the Right to Political Expression,” *Europe-Asia Studies* 56, no. 6 (2004): 789-812.

³¹ Williams, Fowler et al., “Explaining Lustration in Central Europe: A ‘Post-Communist Politics’ Approach,” and Kaminski and Nalepa, “Judging Transitional Justice.”

³² Letki, “Lustration and Democratization in East-Central Europe.”

³³ David, “Transitional Injustice? Criteria for Conformity of Lustration to the Right to Political Expression.”

³⁴ Cohen, “State Crimes of Previous Regimes,” 33, and Rigby, *Justice and Reconciliation: After the Violence*, 104-105.

³⁵ Adam Michnik, “Reflections on the Collapse of Communism,” *Journal of Democracy* 11, no. 1 (2000): 119-126.

³⁶ Moran, “The Communists Torturers of Eastern Europe—Prosecute and Punish or Forgive and

to, or otherwise acquired by, private individuals who might manipulate the information. Even where records were intact, they often proved deceptive or outright incorrect, given the incentives of security agents to show effectiveness through demonstrating a vast (if sometimes fictitious) informant network.³⁷ As one Polish scholar questioned, “Why should we today trust the word of a former secret police officer more than the word of a former dissident with a record of opposing the old regime—and of having suffered persecution for having done so?”³⁸ In fact, several well-known incidents occurred in which innocent people were caught in the lustration web. Former Czech dissident Jan Kavan embodied this dilemma, purged from parliament based on accusations of collaboration, only to clear his name after five years and eventually become the country’s foreign minister.³⁹

The case of Jan Kavan highlights another lustration dilemma—the assumption of guilt rather than innocence.⁴⁰ As Havel noted, many faced the risk of a similar fate as Kavan: “Many people do not even know whether, by accident, they might not have stepped into something.”⁴¹ Even if Kavan had somehow been involved with the secret police, his involvement may have been trivial, coerced, or even purposely deceptive. A third important problem of lustration, which targets broad categories of people, is its susceptibility to politicization. Lustration, in contrast to more targeted forms of justice such as criminal prosecutions or administrative purges, can be used as an instrument to eliminate large numbers of potential political opponents from the political stage.⁴² Unlike the latter two forms of justice, which identify guilty parties based on their particular activities, lustration in practice often has a lower burden of proof and more limited possibility for appeal. The result is lustration as “a terrain of a ruthless power struggle in countries intent simultaneously on revolution and political stabilization.”⁴³ In Albania, for instance, incumbents utilized lustration to eliminate political opponents and subsequently solidify

Forget”; Erhard Blankenburg, “The Purge of Lawyers after the Breakdown of the East German Communist Regime,” *Law and Social Inquiry* 20 (1995): 223-243; and Miller, “Settling Accounts with a Secret Police: The German Law on the Stasi Records.”

³⁷ Welsh, “Dealing with the Communist Past: Central and East European Experiences after 1990”; Rigby, *Justice and Reconciliation: After the Violence*; and Letki, “Lustration and Democratization in East-Central Europe.”

³⁸ Krzysztof Jasiewicz, “The Political-Party Landscape,” *Journal of Democracy* 18, no. 4 (2007): 26-33.

³⁹ Lawrence Weschler, “The Velvet Purge: The Trials of Jan Kavan,” *New Yorker*, October 19, 1992, 66, and Michnik, “Reflections on the Collapse of Communism.”

⁴⁰ Rigby, *Justice and Reconciliation: After the Violence*.

⁴¹ Michnik and Havel, “Confronting the Past: Justice or Revenge?” 20-27.

⁴² Monika Nalepa, *Skeletons in the Closet: Transitional Justice in Post-Communist Europe* (Cambridge, UK: Cambridge University Press, forthcoming).

⁴³ Maria Los, “Lustration and Truth Claims: Unfinished Revolutions in Central Europe,” *Law and Social Inquiry* 20 (1995): 117-161.

political control.⁴⁴ In Czechoslovakia, the center-right used lustration to discredit political rivals from the dissident movement (ostensibly filled with secret police infiltrators).⁴⁵

Some scholars have played down the moral and political dilemmas of lustration, rejecting criticisms—from such corners as the Council of Europe and the International Labor Organization—as symptoms of political discomfort rather than viable legal concerns.⁴⁶ Others have explored ways in which normative dilemmas can be partly assuaged through a cleaner, more strategic lustration process. Kaminski and Nalepa, for example, argue that incentive-based truth-revelation procedures, in which perpetrators have incentives to voluntarily testify against themselves in ways akin to plea bargaining, can at least help minimize false acquittals.⁴⁷ One implication of their analysis, which argues that such incentives ultimately reduce adjudicator workloads by getting more guilty persons to do their work for them,⁴⁸ might be that more time could be devoted to examining evidence and avoiding false convictions.

On top of the issues already raised, there are additional practical problems, including questions of whether lustration could disrupt state capacity by throwing out individuals with needed skills,⁴⁹ as well as the difficulty of finding staff willing to run the controversial lustration process.⁵⁰ Lustration laws have been struck down by constitutional courts in countries such as Hungary and Bulgaria,⁵¹ just as numerous judges have resisted being pulled into the highly political process.⁵² Lustration thus has unfolded in an atmosphere of polarization, with some arguing it is unjust to let past villains prosper today and others arguing that lustration itself leads to new injustices.⁵³

⁴⁴ John Higley, Judith Kullberg et al., "The Persistence of Post-Communist Elites," *Journal of Democracy* 7, no. 2 (1996): 133-147.

⁴⁵ Mary Kaldor and Ivan Vejvoda, "Democratization in Central and East European Countries," *International Affairs, Royal Institute of International Affairs* 73, no. 1 (1997): 59-82, and Rigby, *Justice and Reconciliation: After the Violence*.

⁴⁶ David, "Transitional Injustice? Criteria for Conformity of Lustration to the Right to Political Expression."

⁴⁷ Kaminski and Nalepa, "Judging Transitional Justice: A New Criterion for Evaluating Truth Revelation Procedures."

⁴⁸ Ibid.

⁴⁹ Rupnik, "The Post-Totalitarian Blues," and Eric A. Posner and Adrian Vermeule, "Transitional Justice as Ordinary Justice," *Harvard Law Review* 117, no. 3 (2004): 761-825.

⁵⁰ Letki, "Lustration and Democratization in East-Central Europe."

⁵¹ Welsh, "Dealing with the Communist Past: Central and East European Experiences after 1990," and Wojciech Sadurski, *Rights before Courts: A Study of Constitutional Courts in Postcommunist States of Central and Eastern Europe* (Norwell, MA: Springer, 2005), 214.

⁵² Miller, "Settling Accounts with a Secret Police: The German Law on the Stasi Records," and Letki, "Lustration and Democratization in East-Central Europe."

⁵³ Los, "Lustration and Truth Claims: Unfinished Revolutions in Central Europe."

Beyond Lustration: Seeking Truth outside the Files

Lustration supporters might argue that, despite the legal and moral controversies dogging this form of accounting, given the nature of communist-era abuses, lustration is the most obvious form of justice in Eastern Europe. How else can one deal with past perpetrators when most of the guilt involves mass moral turpitude rather than violent criminal acts? How else can one understand the old system than by examining the large number of tiny support structures that were its fundament? This section of the essay maintains that these arguments misinterpret the repressive past, incorrectly assuming disconnects among various periods of repression.

While it is true that in most post-Stalinist communist regimes repression rarely affected “core” rights, one must not forget that the Stalinist, totalitarian system in place in the communist world prior to 1956 was characterized by massive repression, including extra-judicial murders, routine torture, and lengthy imprisonments stemming from political charges. Memories of Stalinism demonstrated the extent to which the system was capable of abuse in order to secure the status quo, and may have played a role in tempering subsequent mass demands for transparency long after Stalin was buried.⁵⁴ These memories were reinforced by occasional use of harsh repression, reminiscent of the Stalinist period. The police and military were sporadically used to brutally repress those demanding change, most notoriously in Hungary in 1956, Czechoslovakia in 1968, and Poland in 1981; even the threat of direct Soviet intervention had an intimidating effect: “Driving a tank through the street was one highly effective means of sowing terror and panic in the population.”⁵⁵ The omnipresent nature of the Communist Party, involved in everything from national politics to workplace and apartment administration, made the state monopoly visible and a clear reminder of one’s position in society.⁵⁶ As Sharman notes, “people had very little that could not be taken away with a minimum of effort by the state apparatus.”⁵⁷

There are several important implications of this broader historical perspective. The first is that the notion of lustration as being uniquely tailored to post-communist states is myopic. This notion is based on the understanding that post-communist states inherited a legacy of mass involvement in relatively

⁵⁴ Nicolas Werth, “A State against Its People: Violence, Repression, and Terror in the Soviet Union,” in *The Black Book of Communism*, ed. Stephane Courtois, Nicolas Werth, Jean-Louis Panne et al. (Cambridge, MA: Harvard University Press, 1999), 394-456.

⁵⁵ Grzegorz Ekiert, *The State against Society: Political Crises and Their Aftermath in East Central Europe*. (Princeton, NJ: Princeton University Press, 1996), 10, and Bartosek, “Central and Southeastern Europe,” 438.

⁵⁶ Rupnik, “Totalitarianism Revisited.”

⁵⁷ J. C. Sharman, *Repression and Resistance in Communist Europe* (London: Routledge Curzon, 2003), 15.

minor abuses. Yet, this view clearly catches only a piece of the picture. Given the wide range of abuses executed throughout the communist period, there is no reason to suspect criminal prosecutions should be such a rarity. Moreover, if lustration is about more than retribution, as its proponents claim, then it should involve greater attention to collaborators and perpetrators from the earlier years. In other words, if one of lustration's objectives is truly linked to the politics of memory, then a focus on only the recent past obfuscates more than it clarifies, ignoring the continuity of a repressive system established by a narrow group of elites and only later outsourced to neighborhoods across the region.

Acknowledging the interplay among various periods of communist-era repression and the inordinate focus of lustration on only the most recent past is critical to understanding the range of truth-seeking mechanisms found in Eastern Europe. Even during more moderate periods of repression, fear of the system's capabilities was sufficient to limit accountability for earlier harsher periods. For example, Khrushchev's show trials may have targeted a select group truly guilty of horrible violations, but they certainly exposed only a tiny portion of the brutality that served as the fundament to a system whose death came almost forty years later. In part as a result of this continuity of repression, citizens awoke in post-communist states with gaping holes in their official history.

To remedy this, new elites in post-communist countries engaged in a variety of truth processes designed to investigate not only the role of secret service collaborators from the 1970s and 1980s, but also specific incidents of large-scale brutality from the post-Stalinist and Stalinist eras, as well as rights abuses during the years of communism's establishment, which for some involved opening investigations into World War II and even the tsarist period. Of course, not all citizens in the post-communist space awoke in states that were freer or less violent than they had been under communism. For some, as in the former Yugoslavia, Georgia, Armenia, and Azerbaijan, the post-communist period unleashed a new wave of bloodshed that made many of the communist-era violations pale in comparison. In these countries, attempts at seeking truth, to the extent that they occurred to date, were sometimes more focused on the most recent past in ways that practically buried the communist period—or even instrumentalized it.

The following section examines truth-seeking processes in a variety of post-communist states, including countries from northern Europe (Estonia and Lithuania), Central Europe (Poland and Hungary), southern Europe (Serbia and Croatia), and Central Asia (Uzbekistan). These cases highlight the diversity of truth-seeking processes, which differ both in terms of the time periods examined as well as the overall goals of the process. In some cases, truth processes encompassed the earliest years of repression and merged communism with other illiberal periods (e.g., World War II), while in others they focused just on specific incidents or finite periods of repression during or after the fall of

communism. And while in some the truth was deeply engrained in memory politics, in others it was instrumental in pursuing—or eschewing—other forms of retributive justice. The variety of these mechanisms is symptomatic of societal efforts to cope with a quite long and complex system of repression.

Attacking Communism’s Roots

In some countries, uncovering the past beyond lustration has involved digging down to the very fundamentals of communism. Since the western spread of communism came amidst the trauma of World War II, many investigations have begun there. While communist authorities supported the establishment of formal inquiries into the war years, their investigations, not surprisingly, were one-sided, focusing almost exclusively on the abuses of Nazi soldiers and their local and foreign collaborators. The role of Soviet and local communist troops in violently forcing their way to power and ensuring local submission was taboo throughout the communist period. With the fall of communism, these now politically independent countries began to take a renewed look at the war years.

Perhaps most interesting about the reexamination of the war years is the degree to which it is connected with the immediate postwar period. New elites in post-communist states have made great efforts to explicitly link communism to the most brutal war in history. In Poland, for example, a 1991 law expanded and renamed the long-standing Chief Commission for the Investigation of Hitlerite Atrocities (established in 1945), subsequently called the Chief Commission for the Prosecution of Crimes against the Polish Nation. As with other truth commissions, one primary purpose of the commission before and after 1991 was educational—to investigate and publicize the crimes—while another was to recommend particular cases for prosecution by state prosecutors. The new commission continued to investigate World War II-era rights abuses, but also those that occurred under Stalinism (through 1956).⁵⁸ The goal of Poland’s new commission was in part historical and in part, as indicated by the name, legal, as the commission was designed to track down and prosecute Stalin-era rights abusers—a process that already had been initiated by the justice minister, even before the passage of this formal law.⁵⁹ While Polish parliamentarians could have created an entirely new institution or institutional department to pursue communist-era crimes, they consciously chose to merge the two extraordinarily

⁵⁸ For law, see *Dziennik Ustaw* [Legislative Daily] no. (nr.) 45, position (poz.) 195 (1991); see also, *Zbrodnie przeciw narodowi nie beda przedawniane* [Crimes against the nation not subject to statute of limitations] *Gazeta Wyborcza*, April 5, 1991, 3.

⁵⁹ Jan Ordynski, “Beda procesy stalinowskich zbrodniarzy” [There will be trials of Stalinist criminals] *Rzeczpospolita*, August 9, 1993, 3, and Aleksander Bentkowski, former Justice Minister (1989-1991), interview by author, Warsaw, December 18, 2003.

bloody periods into one.

Other investigations linking the Nazi and communist authorities have been opened purely for the purpose of altering public understandings of the past. Within just a few weeks of one another, the Estonian and Lithuanian presidents in 1998 each established historical commissions to probe two periods of occupation: the first under Nazi Germany and the second under the Soviet Union.⁶⁰ There are enormous similarities between the two countries' processes. For example, and perhaps in response to the lustration debates that took place just a couple years earlier, both referred to international law as justification for their investigations, the former referring directly to article 7 of the Statute of the International Criminal Court of Rome and the latter promising to ensure an investigation "in compliance with accepted international standards." Neither commission was explicitly designed to perform judicial functions, but rather to serve an educational role and facilitate what the Lithuanians described as "the search for historical truth, which is a precondition for a reconciliation among nations, as a national priority." Importantly, and likely again designed to ward off allegations of bias, both countries established commissions with international memberships, including Americans, Russians, and representatives of Jewish groups.

Commission findings concerning the early phases (including Nazi-era and early Soviet occupation) were flattering to none of the parties investigated. Apart from their expected condemnation of German and Soviet personnel, for example, Estonia's International Commission for Investigation of Crimes against Humanity officially condemned ethnic Estonian groups and individuals for their role in atrocities.⁶¹ The commission concluded by singling out high-level officials by name, but it also condemned "the large category of Estonians who may have been aware of criminal acts, but neither took part in them, nor registered any protest against them."⁶² The commission ripped open the common Eastern European defense of primary victimhood: "It is unjust that an entire nation should be criminalized because of the actions of some of its citizens; but it is equally unjust that its criminals should be able to shelter behind a cloak of victimhood," the commission concluded.⁶³

⁶⁰ Estonia, "Introduction," Estonian International Commission for Investigation of Crimes against Humanity, <http://www.historycommission.ee/temp/index.htm> (accessed October 6, 2008), and Lithuania, "Outline of Work Plan," International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania (1999), <http://www.komisija.lt/en/body.php?&m=1173548714> (accessed October 5, 2008).

⁶¹ It should be noted that the Estonian commission was international in its make-up, but not in the sense of being organized by the international community. Unlike UN inquiries in countries such as El Salvador and Burundi, for example, the Estonian commission was constituted nationally.

⁶² Estonia, "Conclusions of the Commission," Estonian International Commission for Investigation of Crimes against Humanity, http://www.historycommission.ee/temp/pdf/conclusions_en.pdf (accessed October 6, 2008).

⁶³ *Ibid.*

Attacking Communism's Implementation

The Polish, Estonian, and Lithuanian truth-seeking processes were all designed to illustrate how communism was rooted in an era of injustices, essentially serving as a continuation of a brutal and unjust war. In doing so, they framed communism in a historical context that spanned almost two decades. But memory politics need not involve the study of decades. Some countries have chosen to focus truth processes on more finite periods or events that deeply affected the trajectory of the state.

In Hungary, for example, officials support a public institute that concentrates exclusively on the 1956 uprising, when hundreds of Hungarians were killed, and the events leading up to it.⁶⁴ The Hungarian 1956 Institute was initially established in 1990, and has enjoyed official status of a public foundation since 1995. Interestingly, the 1956 institute was neither established by the government nor is it financially dependent on the state, yet it does draw funding from the city of Budapest (in addition to various local foundations). While the Hungarian institute (as in the case of the international commissions described above) is primarily geared toward education rather than retributive justice, it may provide important support to prosecutors given the Constitutional Court's ruling that 1956 crimes classifiable as "crimes against humanity" or "war crimes" are not subject to a statute of limitations.⁶⁵

The case of Poland's 1989 commission of inquiry suggests how the Hungarian institute may play a supporting role in criminal prosecutions. Just as Poland's investigation of Nazi and Stalinist crimes served the dual purpose of public education and collection of evidence, so did Poland's 1989 Special Commission to Investigate the Ministry of Internal Affairs. Like Hungary's institute, Poland's commission was established to research a narrow period of time, and tasked with analyzing more than one hundred unsolved 1980s deaths attributed to the security services and other parts of the Internal Affairs Ministry.⁶⁶ Unlike the Hungarian institute, the commission was born of politics, intended to function for only a short term, and included a retributive element. The commission was forced through parliament by the new elites just two months after coming to power. Its function was primarily retributive, with collected evidence used directly for disciplinary action or sent on to public

⁶⁴ Hungary, "About the 1956 Institute," Institute for the History of the 1956 Hungarian Revolution (2000), http://www.rev.hu/portal/page/portal/rev/az_intezet/intezet_tortenete (accessed October 6, 2008).

⁶⁵ Mark Ellis, "Purging the Past: The Current State of Lustration Laws in the Former Communist Bloc," *Law and Contemporary Problems* 59, no. 4 (1996): 183.

⁶⁶ *Sprawozdanie Stenograficzne*, official record of Sejm's (lower house of parliament's) debate on bills, Kadencja X (Sejm group), 4 posiedzenie (sitting session), August 2, 1989: 291-310.

prosecutors for further investigation and possible trial.⁶⁷

The Polish commission ultimately sent eighty-eight cases of unexplained deaths—some of which had never been investigated, others in which investigations were determined to be faulty—back to the prosecutor’s office for criminal investigation.⁶⁸ As a result of problems in collecting evidence from dated crimes, few of these investigations resulted in a prosecution, much less a conviction.⁶⁹ But for many post-Solidarity activists, the Special Commission was proof that the post-opposition was quick to deal with questions of justice.⁷⁰ As Solidarity political leader Bronislaw Geremek noted, the commission embodied the belief that “crimes should be punished.”⁷¹

The Polish truth-seeking efforts described with respect to the World War II-era, Stalinism-era, and post-Stalinism-era crimes were all designed with the dual purpose to educate the public and to facilitate prosecutions. These measures were carried out independently of efforts at lustration that periodically surfaced throughout the 1990s. Even in countries where aggressive lustration was adopted, such as the Czech Republic, efforts have been made to investigate and prosecute past criminal acts. Again, the emphasis is frequently on education. For example, the Czech Office for the Documentation and the Investigation of the Crimes of Communism Police is engaged in the analysis of materials “showing the criminality of the communist regime as well as of its repressive apparatus” from January 1945 to February 1948, despite the minimal likelihood that any perpetrators are available for prosecution.⁷²

Investigations are not, of course, the only method of ensuring that specific violent episodes are not forgotten. Returning to the case of Poland, members of the former Solidarity opposition movement over the years have pushed through a number of initiatives bound in memory politics, including formal condemnations of particular episodes of violence, as well as the construction of memorials and provision of compensation to victims of those episodes. Between 1995 and 1998, for example, former Solidarity leaders pushed

⁶⁷ Jerzy Jachowicz, “Spojrzenie w ciemność” [A glimpse into the dark] *Gazeta Wyborcza*, November 21, 1989, 3.

⁶⁸ Ireniusz Dudzic, “Kto Strzelał kto rozkazywał” [Who shot, who ordered?] *Gazeta Wyborcza*, October 3, 1991, 3.

⁶⁹ Krzysztof Kozłowski, former Internal Affairs Minister of Poland (1990-1991), interview by author, Krakow, January 21, 2004.

⁷⁰ Maria Dmochowska, former Sejm (lower house of parliament) member (1989-1997) and current advisor to the president of the Institute of National Memory (IPN), interview by author, Warsaw, January 2, 2004.

⁷¹ Bronislaw Geremek, former head of the Obywatelski Klub Parlamentarny (OKP, or Civil Parliamentary Club, Solidarity’s parliamentary representation) (1989-1990) and Minister of Foreign Affairs (1997-2000), interview by author, Warsaw, January 20, 2004.

⁷² Czech, “The Office for the Documentation and the Investigation of the Crimes of Communism Police of the Czech Republic,” Ministry of Interior of the Czech Republic (2005), <http://aplikace.mvcr.cz/archiv2008/policie/udv/english/index.html> (accessed October 7, 2008).

through the lower house of parliament resolutions condemning suppression of the December 1970 demonstrations along the Baltic coast, the March 1968 state-sponsored anti-Semitic campaign, and the brutal suppression of workers in Poznan in 1956. They also supported local and national efforts to provide compensation to victims of these various events, including the December 1970 attacks and shootings that occurred at the start of martial law in the mining town of Lubin.⁷³ This was not merely compensation, but, symbolically, included calls for the provision of veterans' privileges in cases where severe injuries had been incurred.⁷⁴

Historicizing Communism to Explain Early Post-Communist Abuses

As diverse as the processes are, they all involve elucidating and memorializing particularly egregious periods or incidents from the former regime. These examples all also took place in countries where new political elites began a (ultimately successful) transition from communism to market capitalism and liberal democracy. Yet, many states have failed to make that transition, and still others have begun the transition in earnest after years of often bloody turbulence. To what extent do these states engage in justice and how do they position the repressive communist past in the context of an even more brutal post-communist period? The two cases of Serbia and Croatia demonstrate other ways in which truth has been used in the post-communist space.

New elites in both Serbia and Croatia initiated truth processes after wresting power from the nationalist leaders who guided them through genocidal wars in the decade after the fall of communism. These truth processes were strikingly similar in several respects. First, they were both designed to appeal to international rather than local actors. Second, they both were launched in the context of outside demands for international war crimes trials for nationals suspected of abuses in the 1990s wars. Finally, and of particular importance for this study, the commissions established treated the communist period not as one to reckon with, but as one that could help explain, or perhaps explain away, more recent abuses.

The case of Yugoslavia's Truth and Reconciliation Commission illustrates how truth processes can be used to actually eschew other forms of justice. Former democratic movement leader President Vojislav Kostunica and his cabinet began marketing a truth commission in the face of immense Western

⁷³ "Ugoda z MSW" [Permission from Ministry of Internal Affairs] *Gazeta Wyborcza*, April 18-20, 1992, 2, and "Proces o odszkodowanie za utrate wzroku" [Trials for compensation for the loss of sight] *Rzeczpospolita*, October 3, 1995, 14.

⁷⁴ "Senat ofiarom Grudnia '70" [Senate to the victims of December 70] *Gazeta Wyborcza*, January 27-28, 1996, 2, and "Naprawa zadawnionych Krzywd" [Fixing old harm], *Gazeta Wyborcza*, April 25, 1997, 3.

pressure to cooperate with the International Criminal Tribunal for the former Yugoslavia (ICTY), publicly arguing that the commission would prepare society for criminal trials.⁷⁵ While certain members of Kostunica's cabinet hoped to create a strong commission made up of international members with the power to grant amnesties, subpoena witnesses, and demand evidence,⁷⁶ Kostunica's rush to put the commission together resulted in a much weaker body, since he still lacked parliamentary support necessary for a more authoritative commission.⁷⁷ There remains a widespread perception among Serbian elites that Kostunica's truth commission was an attempt to side-step international pressures for ICTY cooperation.⁷⁸

In the absence of strong constitutional powers or legal authority, Kostunica could create only a weak "consultative body," tasked with compiling information and evidence from various—mostly open—sources.⁷⁹ President Kostunica handpicked the commission's nineteen members, who were almost all ethnic Serbs (eventually resulting in a second round of appointments designed to increase the commission's representativeness and legitimacy).⁸⁰ While commission members hoped to eventually create a list of war victims and a chronology of events, their mandate was much broader, designed to show communist-era aggression by ethnic Croats and Muslims, as well.⁸¹ The goal of the commission, according to Kostunica's human rights advisor, was to broadly examine the Balkan wars to "see how they were prepared, why they happened, who was involved, who was really in charge."⁸² Kostunica

⁷⁵ "Svilanovic: Ukljuciti Susede U Resavanje Statusa Kosova" [Svilanovic: Include neighbors in addressing the status of Kosovo], Radio B92, November 10, 2000, and James Hider, "Yugoslav FM Wants Milosevic on Trial as Soon as Possible—in Serbia," *Agence France Presse*, December 20, 2000.

⁷⁶ "Yugoslavia Preparing Truth Commission: Minister," *Agence France Presse, Radio B92*, April 5, 2001, and "Grubac O Komisiji Za Istinu" [Grubac on the Truth Commission], Radio B92, April 5, 2001.

⁷⁷ Aleksandar Lojpur, former coordinator for the Yugoslav Truth and Reconciliation Commission, interview by author, Belgrade, January 10, 2005.

⁷⁸ Natasa Kandic, director of the Humanitarian Law Center, interview by author, Belgrade, December 29, 2004.

⁷⁹ Daniel Williams, "A Faint Path to Truth in Serbia; Yugoslav Panel Probing Wars Lacks Funding, Clout," *Washington Post*, July 5, 2002; Vojin Dimitrijevic, director of the Belgrade Center for Human Rights and former member of parliament (GSS) and the Yugoslav Truth and Reconciliation Commission, interview by author, Belgrade, December 28, 2004; and Aleksandar Lojpur, former coordinator for the Yugoslav Truth and Reconciliation Commission, interview by author, Belgrade, January 10, 2005.

⁸⁰ "Nema novca za svedocenje o Srebrenici" [No money for testifying on Srebrenica] *Danas*, Belgrade, October 7, 2002.

⁸¹ Ivana Stevanovic, "Komisija za istinu i pomirenje: Iluzija ili stvarnost" [Commission for Truth and Reconciliation: Illusion or reality?] B92, Belgrade, February 18, 2003.

⁸² Deborah Cole, "Yugoslavia Wants Truth Commission to Fight 'Public Amnesia,'" *Agence France Presse*, April 18, 2001.

advocated his commission as a tool to counter the “biased” “pseudo-history” and “hypocrisy” of the Hague: “We have to do everything to influence the writing of history.”⁸³

In practice, members of the Yugoslav truth commission planned to contextualize the 1990s wars by reconstructing the entire communist and post-communist war period.⁸⁴ The commission was split into six groups, one of which was devoted purely to historical aspects of the conflict.⁸⁵ “You must explain the background of these conflicts,” commented the commission’s coordinator, who claimed that the commission members themselves had made this decision to contextualize their findings.⁸⁶ Another local politician and rights activist, who resigned from the commission almost immediately after being appointed, noted that this must have been of little surprise to the commission’s founder. “This was a group dominated by historians and they wanted to go 50 years back, typical of Serbian nationalists.”⁸⁷ The commission never published any findings before it was prematurely terminated as a result of a reorganization of all federal bodies in December 2003.⁸⁸

On the other side of the former Yugoslavia, Croatia similarly attempted to create a truth process. Actually, the first efforts to establish the “truth” in Croatia came from members of Tudjman’s right-wing HDZ, who, bitter at post-opposition forces for allegedly criminalizing aspects of the Homeland War and amid rumors that the Croatian president might issue a public apology for its past abuses, introduced in October 2000 a parliamentary declaration calling the war “righteous, legitimate, defensive and not aggressive or conquering.”⁸⁹ NGO leaders sarcastically cite parliament’s truth declaration as “proof” that Croatia no longer needed to investigate the war years.⁹⁰ One of the few

⁸³ Jean-Eudes Barbier, “Kostunica Seeks to Counter ‘Pseudo-History’ of Milosevic Trial,” *Agence France Presse*, February 19, 2002.

⁸⁴ Radmila Nakarada, former member of and spokesperson for the Yugoslav Truth and Reconciliation Commission, interview by author, Belgrade, December 1, 2004.

⁸⁵ Ljubodrag Dimic, former member of the Yugoslav Truth and Reconciliation Commission and professor of history at the University of Belgrade, interview by author, Belgrade, December 6, 2004.

⁸⁶ Aleksandar Lojpur, former coordinator for the Yugoslav Truth and Reconciliation Commission, interview by author, Belgrade, January 10, 2005.

⁸⁷ Dimitrijevic interview.

⁸⁸ “Sagledavanje Istine Preduslov Za Pomirenje U SRJ I Susedstvu” [Finding the truth a precondition for reconciliation in FRY and neighborhood] *Radio B92*, Belgrade, December 15, 2001, and “Yugoslav President’s Party to Vote against Law on Constitutional Charter, *BBC Monitoring Europe—Political*, January 17, 2003.

⁸⁹ “Lower House Begins Debate on Declarations on Independence War,” *BBC Summary of World Broadcasts*, October 14, 2000.

⁹⁰ Vesna Pusic, Deputy Speaker of Parliament and vice-chair of the Croatian National Party (HNS), interview by author, Zagreb, March 31, 2005. One center-right parliamentarian confirmed in an interview that a truth commission was unnecessary since the government already had all the facts. Frano Piplovic, Member of Parliament (Democratic Center, DC), interview by author, Zagreb, March 31, 2005.

parliamentarians to speak out against the resolution declared that everyone knew Croatia had been an aggressor in Bosnia: “Where we differ is whether we should face that fact or sweep it under the carpet.”⁹¹

Several months after passage of the highly publicized parliamentary declaration, Prime Minister Racan quietly ordered the Croatian Historical Institute to investigate the history, scope, and nature of the victims of the Homeland War.⁹² The three-year “Creation of the Croatian Republic and Homeland War” project⁹³ was one of the only projects ever imposed on the institute.⁹⁴ As with Yugoslavia’s truth commission, researchers in charge of the Croatian project were tasked primarily with combing through open source materials, especially newspaper accounts, and they worked in relative isolation, with no input from local or international human rights or other organizations.⁹⁵ And, as in the case of Serbia, analysis of Racan’s truth commission is inseparable from that of ICTY pressures. It is widely held that the Croatia’s formal investigation was initiated as part of a government campaign to counter international demands for ICTY cooperation.⁹⁶

Importantly, Croatia’s truth process was delegated to a small group of historians who, as in the Yugoslav example, helped determine the study’s structure. Racan himself noted the project was an attempt to “depoliticize war crimes...to leave history to the historians, not the politicians.”⁹⁷ At the same time, Racan needed his truth commission to glide under the radar of most (assumed disapproving) Croats, since, as one politician put it, “In Croatia the truth is very simple: We were attacked by Serbs and defended ourselves.”⁹⁸ The Croatian project thus included a pre-1991 component, which historians working on the project considered an essential step to grasping the roots of

⁹¹ Pusic interview; quote from Robert Wright, “Learning to Live with the Neighbours: Bosnia-Herzegovina,” *Financial Times* (London), June 19, 2001. See also, “President Says Law Exempting War Veterans from Prosecution Not Right,” *BBC Summary of World Broadcasts*, March 1, 2001.

⁹² “Croatian Government Sets up War Crimes Investigation Body,” *BBC Monitoring Europe – Political*, March 9, 2002.

⁹³ For more details, see its Web site, <http://misp.isp.hr/suvpovproj5.html>.

⁹⁴ Zdenko Radelic, project supervisor of the 1991-1995 Homeland War project (Stvaranje Republike Hrvatske i Domovinski rat), Croatian Historical Institute, interview by author, Zagreb, March 3, 2005.

⁹⁵ The author interviewed three out of eight researchers involved in this project, including the project leader.

⁹⁶ Radelic interview.

⁹⁷ Ivica Racan, former Prime Minister (2000-2004) and head of the Social Democratic Party (SDP), interview by author, Zagreb, March 4, 2005.

⁹⁸ Ivo Josipovic, Member of Parliament (independent) and drafter of the 1996 Hague cooperation law, interview by author, Zagreb, March 4, 2005. Also, Ivan Cicak, founder and former president of the Croatian Helsinki Committee for Human Rights, interview by author, Zagreb, March 31, 2005.

what transpired subsequently.⁹⁹ A separate team also investigated international actors' roles during the war.¹⁰⁰ Both of these may have served, as in Serbia, to spread blame or rationalize Croatian abuses. They also served to reinterpret the legacies of communism.

Historicizing Communism to Explain Ongoing Abuses

The case of Uzbekistan again highlights the utilitarianism with which some post-communist states (as well as others) have approached justice. Uzbekistan's last Communist Party First Secretary and first president, Islam Abdughanievich Karimov, has used repressive techniques since 1992 to subvert opposition and maintain control over domestic politics.¹⁰¹ Yet, in 1999, ten years after communism began to fall across Eastern Europe, Karimov launched the Commission for the Promotion of the Memory of Victims, a truth commission that analyzed political repression following the communist period.¹⁰² As in Serbia and Croatia, the Uzbek commission was designed to put a spin on the communist period. Unlike in the former two cases, however, the Uzbek commission was designed to explain not abuses from the recent past, but ongoing ones.

In part, Karimov's truth commission represented an important symbolic concession to his new partners in the West, who hounded him on abuses, including a harsh crackdown on political and social groups following a spate of February 1999 bombings in Tashkent.¹⁰³ A commission of inquiry into past rights violations, coupled with an unusually timed prison amnesty in mid-May of that year, lent support to Karimov's assertion that the government was determined to deal with contemporary rights violations that, he claimed, were a legacy of more than a century of foreign rule. An investigation into

⁹⁹ Radelic interview.

¹⁰⁰ Igor Graovac, researcher the 1991-1995 Homeland War project (Stvaranje Republike Hrvatske i Domovinski rat), Croatian Historical Institute, interview by author, Zagreb, March 18, 2005.

¹⁰¹ For broad analyses of democratic institutions in Uzbekistan, see the publications of Freedom House, <http://www.freedomhouse.org/template.cfm?page=22&country=7086&year=2006>, and Human Rights Watch <http://hrw.org/backgrounder/eca/uzbekistan1006/>.

¹⁰² "President Orders Research into Victims of Soviet Regime," *BBC Summary of World Broadcasts*, May 17, 1999 (source: "Narodnoye Slovo," Tashkent, in Russian, May 13, 1999), www.lexis-nexis.com (accessed January 1, 2003).

¹⁰³ See "Uzbek President Speaks on Bomb Attacks," *BBC Monitoring Central Asia Unit*, February 17, 1999 (source: Uzbek television first channel, Tashkent, February 16, 1999), www.lexis-nexis.com (accessed January 1, 2003). Up to three hundred people arrested in connection with the 1999 bombings were released in September, when deputy chair of the government-backed Committee for the Defense of Individual Rights admitted that "many of them had drugs and weapons planted on them." See "Uzbekistan Frees Muslim Political Activists Imprisoned on False Charges," *Agence France Presse*, September 22, 1999, www.lexis-nexis.com (accessed January 1, 2003).

Uzbekistan's past thus served to highlight a long-term trajectory the country only now was starting to rectify.

Simultaneously, the commission was used to dissociate Karimov and his associates from communist-era abuses by focusing the inquiry on abuses from the distant past, from the nineteenth century through the eve of World War II.¹⁰⁴ By coupling Soviet and tsarist times into one period of political dependence, Karimov implied that the collective fate of those “unfairly convicted during the period of colonialism” was decided by the Russian “other.” Analysis of five hundred revolts against Russian rule pre-1917 and the large-scale Stalinist repression allowed Karimov to depict all Uzbeks as hapless victims of chauvinism and cruelty from the north. To facilitate this final product, Karimov appointed a nationalist, anti-Soviet literary critic, Naim Karimov (no relation to the president), to lead the commission.¹⁰⁵ President Karimov gave the commission only one month to present a comprehensive picture of Uzbekistan's victims, based on archives spanning almost one and a half centuries. Commission power was limited to creating “suggestions and recommendations on how to perpetuate their memory” that President Karimov and his cabinet of ministers would consider.

Alleged violations from Karimov's lifetime were played down as “individual cases,”¹⁰⁶ with the major exception of the 1980s, when authorities in Moscow dismissed large numbers of Uzbek Communist Party members accused of artificially inflating cotton production figures and embezzling large amounts of cotton money.¹⁰⁷ Karimov's truth commission transferred historical responsibility for rights abuses from the all-inclusive communists to

¹⁰⁴ “President Orders Research into Victims of Soviet Regime,” *BBC Summary of World Broadcasts*, May 17, 1999 (source: “Narodnoye Slovo,” Tashkent, in Russian, May 13, 1999), www.lexis-nexis.com (accessed January 1, 2003); Naim Karimov, interview by author, Tashkent, September 23, 2004.

¹⁰⁵ For more on Naim Karimov, see Halim Kara, “Reclaiming National Literary Heritage: The Rehabilitation of Abdurauf Fitrat and Abdulhamid Sulaymon Cholpan in Uzbekistan,” *Europe-Asia Studies* 54, no. 1 (2002): 123-142.

¹⁰⁶ Karimov interview. Revision of the Stalinist past, first broached by Khrushchev during the Communist Party's 20th Party Congress in 1956, had long lost its taboo status and the Uzbek government in 1991 awarded two nationalist authors, persecuted during that period for their anti-Russian/Soviet writings, a state prize for their contributions to modern Uzbek literature and overall national identity. See Kara, “Reclaiming National Literary Heritage: The Rehabilitation of Abdurauf Fitrat and Abdulhamid Sulaymon Cholpan in Uzbekistan.”

¹⁰⁷ The resulting scandal had caused widespread feelings of resentment among Uzbeks, who believed Moscow's assault represented deeper Russian injustices. President Karimov's pre-truth commission drive to rehabilitate Sharaf Rashidov, party leader during the “cotton affair,” can be seen as a “correction” of historic wrongs and the conversion of Moscow's criminal into Tashkent's champion of “Uzbek independence and strength against the overwhelming tide of Russian hegemony.” Andrew F. March, “The Use and Abuse of History: ‘National Ideology’ as Transcendental Object in Islam Karimov's ‘Ideology of National Independence,’” *Central Asian Survey* 21, no. 4 (2002): 379.

the Russians. In the process, he managed to make himself and his colleagues into victims of an over-zealous anti-corruption drive initiated in Moscow, and to demonstrate his purported commitment to democratic values today.

Conclusion

The purpose of this article has been to explore the variety of truth processes implemented in the post-communist space since the fall of communism. If illustration is in part designed to clarify the past, it is neither the most obvious nor the most utilized tool of transitional justice in post-communist countries. Rather, a diverse range of truth mechanisms, disparate in their focus, shape, and goals, has been used to evaluate communism's legacies. Some were focused on the roots of the former regime, others on the most salient abuses during implementation, and still others on the implications of communism's rule for post-communist troubles. The truth projects ranged from the official (mandated by parliament or the executive) to the unofficial (whether supported by philanthropists, the state, or municipal institutions). Some involved international actors; others were purely local. And while some appear to have been exclusively designed to educate the population, others were used to pursue further justice steps (such as criminal prosecutions) or even to manage external relations.

For truth commission scholars, the truth processes evaluated here add just another piece to an already extensive collection of literature. Since Argentina completed the first internationally prominent truth commission in 1984, numerous states have followed suit. These efforts have come under a variety of names, ranging from "commissions for the disappeared" in Argentina, Uganda, and Sri Lanka, to the commission for "reception, truth and reconciliation" in East Timor.¹⁰⁸ South Africa's Truth and Reconciliation Commission, launched after the African National Congress came to power in 1994, received widespread international attention with its promise to formally forgive (provide amnesty to) participants and hold criminally liable those who were unrepentant.¹⁰⁹ The various bodies are united in the dual nature of their investigations in that they all seek to uncover the bigger picture, establishing why and how violence was used in the past, and separating the current regime from the former one.¹¹⁰

¹⁰⁸ David Bloomfield, Teresa Barnes, and Luc Huyse, eds., *Reconciliation after Violent Conflict: A Handbook* (Stockholm: International Institute for Democracy and Electoral Assistance, 2003), 125.

¹⁰⁹ See, for example, T.R.H. Davenport, *The Birth of a New South Africa* (Buffalo, NY: University of Toronto Press, 1998); Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge, UK: Cambridge University Press, 2001); and Patti Waldmeir, *Anatomy of a Miracle: The End of Apartheid and the Birth of the New South Africa* (New York: W.W. Norton, 1997).

¹¹⁰ Audrey R. Chapman and Patrick Ball, "The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala," *Human Rights Quarterly* 23 (2001): 1-43.

The diversity of the small sample of truth processes—not to mention other forms of justice—in the post-communist region is striking, and suggests a need for greater attention to the gamut of justice policies implemented across the post-communist world. A traditional focus on lustration, especially west of the former Soviet border, has left scholars with the false impression that justice was largely confined to just one measure. This perception not only is incorrect, but also skews our understanding of what communism was as well as of communism’s true legacy. For if the reaction to communism is limited to lustration, the implication is that mass involvement of rather unspectacular abuses was the rule of thumb. For the many who faced imprisonment, torture, and death under the old regime, and for those who have struggled to rectify abuses on a variety of levels thereafter, this is a disservice at best.

While not the focus of this essay, many of the cases described here highlight the various ways in which international actors can play a part in truth processes. In Estonia and Lithuania, for instance, international legal rulings and members were used to enhance the legitimacy of the studies. By incorporating outsiders and internationally agreed upon principles into their approach, these states sought to avoid any allegations of injustice or partiality. Meanwhile, in Serbia, Croatia, and Uzbekistan, international actors appear to have played at least some role in motivating the launching of truth processes. These two sets of cases demonstrate the contrasting direct and indirect roles that the international community can take. In Estonia and Lithuania, direct international pressures for one politically painful form of justice prompted ruling elites to launch “compromise” truth processes. Ironically, in contrast to the Estonian and Lithuanian processes, the Balkan truth commissions were quite insular; while they were calculated to extinguish fires on the international stage, they were purposely designed in procedural terms to minimize controversy at home rather than to gain accolades abroad. When these policies failed to satisfy Western audiences, elites were forced to compromise with Western demands for transfers to the Hague.

With respect to Uzbekistan, it should be highlighted that the instrumentalization of justice in Serbia, Croatia, and Uzbekistan is not necessarily unusual. Even the Uzbek case is but the latest one in which repressive leaderships have launched truth commissions.¹¹¹ In Uganda, Chad, and Zimbabwe, for example, truth commissions were launched during a period of repression, rather than democratization. In fact, human rights conditions remained poor or even have worsened after the commissions performed their work in all three countries.¹¹² While some may argue that these cases

¹¹¹ Priscilla B. Hayner, “Fifteen Truth Commissions—1974 to 1994: A Comparative Study,” *Human Rights Quarterly* 16, no. 4 (November 1994): 608.

¹¹² Freedom House scores countries on political and civil rights (of the following numbers, the first is the score for political rights, and the second following the comma is for civil rights). Possible

do not represent “true” truth commissions by violating the spirit of the truth commission’s essence, they meet the broad definitions currently employed and cannot be readily excluded.¹¹³

There are many questions that emerge from this brief study of post-communist truth processes. For example, what determined the timing of these various measures? Why did Estonia and Lithuania, for instance, wait almost a decade before launching their international investigative commissions? Why were some processes led by parliamentary bodies, others by executives, and still others by private initiatives? Answers to these questions are not readily available, for they necessitate donning a new pair of lenses. The historical framing of the post-communist world as a special case of transitional justice may have been natural, but casting aside assumptions and reframing post-communism as a “normal” environment for transitional justice is bound to be more illuminating. And shedding light on some of the questions posed above may help us identify social and political variables at play far beyond the post-communist world.

scores in each category are 1 (completely free) through 7 (completely not free). Uganda’s Freedom House scores remained at their lowest possible level, 7, 7, in the two years after the establishment of the commission. In Zimbabwe, the scores slid (4, 5 the year after the inquiry began, and 4, 6 in the two subsequent years). For Chad, the Freedom House scores for both 1991 and 1992 were 6, 6.

¹¹³ The fact that one of the most prolific and acknowledged scholars of this subject, Hayner, deals with such commissions attests to their belonging in the literature.

