The accomplishments in international law – large step towards establishing the International Court. There was no court deciding on criminal cases before Nuremberg. This sort of organization was not a common occurrence.

Strengthening the Rule of Law – Everybody (even the Heads of the State) is bound by the law and has to abide by their responsibility.

Bringing Justice to victims and giving them a voice

Advantages

- Large staff working on convicting crimes perpetrators
- Independence of the Office of the Prosecutor.
- Personal conviction of former perpetrators
- Conditions for joining the EU – Croatia finally allowed the Court to indict certain leaders, but the cooperation with the Tribunal was always the most important condition to join the EU for the purpose of Justice.
- Accomplishments of the Court – 161 individuals have been convicted, 126 proceedings completed, 12 acquitted. The scholarly World criticized it that it as taking place on political reasons, rather than factual reasons.
- They promised to extradite those that were guilty

Disadvantages

- High cost – Did it pay off?
- Huge structure needed at the beginning
- Long and slow trials – prove beyond reasonable doubt must be obtained which is quite difficult. 20 years passed since this all happened, some are still ongoing and some are not yet sorted.
- Too mild sentences were implemented
- Reducing the indictment charges: not all crimes were charged.

International Criminal Tribunal for Rwanda

History

- 1993: The genocide took place in the context of the Rwandan Civil War, an ongoing conflict beginning in 1990 between the Hutu-led government and the Rwandan Patriotic Front (RPF).
- International pressure caused the Hutu-led government to a cease fire in 1993, trying to implement the Arusha peace agreement, that would create a power sharing government with the RPF. Many extreme Hutus were displeased as it looked like they were giving into enemy demands.
- 1994: Arusha peace Agreement, Tanzania
  - 6 April – President Habyarimana (Hutu) was killed in plane explosion but people do not know what happened. The Hutus accused the Tutsis of trying to kill the president.
• In 1932, Salazaar became prime minister. That year marked the beginning of his regime, the New State (Estado Novo).
• It would be at least, formally, a corporative state.
• The new constitution of 1933 embodied the corporatist theory, under which government was to be formed of economic entities organized according to their function, rather than by individual representation.
• Employers were to form one group, labour another, and they and other groups were to deal with one another through their representative organizations.
• However...
• In 1968, Salazar suffered an accident and was incapacitated. Marcello Caetano was chosen by a high level advisory body to succeed him. Though he was a Salazar protégé, he tried to modernize and liberalise the system.
• He was opposed by old salazaristas, ‘the bunker’. They included the Country’s president, the senior officers of the armed forces and the heads of some of the country’s largest financial groups.
• Spinola wrote a book in 1973 called ‘Portugal and the future’. It criticized the conduct of the war and offered a far ranging program for Portugal’s recovery, was seen as his bid to get the PMship.
• As the first major and public challenge to the regime by a high-ranking individual, his experience added weight.
• On April 25 1974, a group of younger officers belonging to Armed Forces Movement overthrew the Caetano regime and Spinola emerged as the head of the new government. The coup succeeded quickly with little violence. Caetano and his followers were exiled to Brazil.

Transitional Justice

The role of the commission was to prepare criminal proceedings of the trial of the former police agents and to cooperate with other purge institutions, given its monopolistic access to roughly three million files kept on individual citizens.
• The first provisional government approved the establishment of the Purge Commission. These commissions were forced to establish the legal framework to make the dismissals legal.
• The law provided sentences of 2-12 years and no statute of limitations was established for criminal proceedings.
• In Feb 1975, approximately 12000 people had been either removed from their posts of suspended, either legally or illegally. Between March and November, the number of removals increased dramatically.
• The first institution to undergo a purge was the military.

Purge of the armed forces

• Spinola’s first action, compatible with the MFA programme, was that there should be a swift and minimal purge of the armed forces. Members who wished to join Caetano were exiled to Brazil, which allowed the government to avoid the former leaders facing trial in Portugal.
The Karamanlis immediately began a programme called dejuntification and in the process replaced more than 100,000 people in previous government.

Months later, criminal proceedings begun against people for organizing the coup and torturing the students.

They handed down death sentences for three of the main figures, including Pap.. but this was later changed to only life imprisonment.

Torture trials

The most dramatic taken at this time was the torture trials.

They documented how there were 22 different methods of torture employed, including electric shocks and sexual abuse. By Dec 1976, 400 trials had taken place.

This is the Greek solution.

Summary of the solutions

Pro Portugal:
1. Fast, allowed the country to move on quickly
2. Efficiency, no one escapes justice
3. No bloodshed, military was purged first meant less opposition for the new regime
4. No statute of limitations to the transition
5. Accountability, attempt to pass new legislation quickly, new constitution in a few years. Commissions were set up to try and bring some legal framework to the purges.

Against Portugal:
1. Fast but not thorough
2. Arbitrary dismissals without trial
3. Purging institutions were monopolistic, no checks and balances
4. No legal framework, was made in retrospect
5. Just punished the most powerful people, not the people behind the scenes

Pro Spain:
1. Economic reasons – economic crisis in Europe and Spanish government had no money. Focus on building up the country.
2. Focus on the future. Forgiveness and reconciliation.
5. A lot of time had passed since the worst crimes were committed during the Civil war. Most people during the transition weren’t born during the Civil war.
Covert operation carried out by the CIA that overthrew the democratically elected Arbenz and ended the Guatemalan revolution, codenamed ‘PBSUCCESS’.

It installed the regime of Carlos Castillo Armas as a military dictator.

Since 1930, Guatemala had been ruled by Jorge Ubico who was supported by the US government. It was brutally repressive. In return, he gave the US a lot of highly fertile land to the United Fruit Company, a US based company.

In the October revolution, he was overthrown by a democratically elected government.

It was won by Arevelo who implemented social reforms. But he was widely disliked by the US gov and the United Fruit Company because it reduced the profit of their business. Arbenz was appointed a defence minister, who foiled many of the 25 coup attempts.

Arbenz won the next election.

After his overthrow, Guatemala was ruled by a series of US backed military regimes until the coup sparked the Guatemalan civil war, during which the military committed massive human rights violations against the civilian population and a genocide of the Mayan people.

Not only did the USA fear for the profits of owning the land, they also worried for the open functioning of the communist party in Guatemala.

200,000 people were killed in the coup and the civil war.

Transitional Justice

In October 2011, the government of Guatemala formally apologized to Arbenz the son of the deposed President.

National textbooks were revised to restore the good name of Arbenz as a Guatemalan patriot and President of the nation.

Arbenz family sought an apology from the USA, which was given by Clinton in 1998.

In 1997, the CIA released 1400 pages of information on the coup and this only represents about 1% of the CIA’s records.

In 2004, victim’s pleas were heard. Before the Inter-American Court of Humna rights, Montt’s regime was admitted to pursue a strategy of genocide (against the Mayans).

Two truth commissions examined the abuses of human rights during the civil war. Efforts to hold perpetrators accountable has proved problematic. Truth Commission – Commission for historical classification (CEH). There were reports of human rights abuses with 8000 testimonies. Claim of the Commission: move past the society from past racism and hatred of those years.

Despite the truth commission, reparations program and several judgements from the Inter-American Court, prosecutions for past crimes have been obstructed by the lingering influence of former officials implicated in human rights abuses and by the intimidation and corruption of the domestic legal system by narco-traffickers.