JUSTICE IN TRANSITION



DELEGATES: Tina Rosenberg of the US and Wiktor Osiatynski of Poland.

nine-man junta, involving about 300 witnesses who one after the other gave evidence about some 700 charges of illegal detention, murder, torture and kidnapping – the legal term for what had been called, simply, "disappearances".

The 1985 trial, which began two years after the elected government came to power, followed due legal process and ended in the acquittal of most members of the junta for lack of evidence.

However, under great pressure from the military, the new government backtracked, passing new laws that made it very difficult to prosecute any military personnel other than security chiefs.

In Chile, when the military dictatorship ended in 1990, the new government appointed an eight-person commission to record the crimes against humanity committed since the military coup in 1973. For a year the commission took its brief nationwide, talking to every victim's family, perusing court records, even interviewing members of the military, who were forced to cooperate.

Jose Zalaquett, a member of that commission, told the conference "this was a very important healing process. Persons who once had been shunted away from the official buildings were now received with dignity. They were offered a cup of coffee, the Chilean flag was there and an official commission was listening to them with due respect.

"They broke down in these offices and this was the first time that people started crying. When you are confronting arrogance you don't cry. You face it. But you can afford yourself a measure of relief under these very different circumstances."

The end result was a 900-page document that was published as a book and sent with a personal letter from the president to every affected family. The report also made detailed sion for for schol reparatio

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State security files

a hand in this project of trivialisation.

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past. So many documents were retrieved that, placed next to each other, they cover a distance of 180km. More than 3 000 people are employed to deal with the files, and the project has a budget of about R5 million. Elsewhere in Eastern Europe, however, the issue of secret files has

This policy indicates a successful approach to dealing with a grim

been less satisfactory. In Bulgaria, according to lawyer and human

rights activist Dimitrina Petrova, who was mandated by the

Bulgarian parliament to uncover secret files, it proved to be an impossibly unwieldy task.

"We discovered a complicated system of archives located in different institutions and duplicated in some obscure way. It was very

chaotic and quite discouraging to me personally." She said names and allegations said to be from the files were released to the public in a haphazard and unsubstantiated way, sen-

sationalised to the point that they lost credibility, and overplayed to the extent that the response was increasingly one of public indifference. Some even thought that those formerly in power may have had

'Although the government agreed to halt the shredding of security files, Currin was told by an office furniture store manager of a sudden increase in government orders for shredding machines'

She regrets lost opportunities. "I feel guilty in some way listening to the success story of Germany," she says. But regret is tempered by realism. The files could not be relied upon for reconstructing the

naming current political opponents. "The first generation of anti-communist opponents somehow overlooked the issue of the files. We thought this was a dirty game; it

past: "Some were destroyed or tampered with, new ones appeared

was something obscene with which no one with any self-respect would concern themselves." Brian Currin of Lawyers for Human Rights said South Africa ran

the risk of following the Bulgarian route. He referred to an application by his organisation to halt the destruction of National Intelligence Service files. Although the government agreed to halt the shredding, Currin was told by an office furniture store manager of a

Ethical, legal and procedural questions exist around the reliability of old security files. Karel Schwarzenberg, former adviser to Czech president Vaclav Havel, spoke of the tragedy caused when the con-

sudden increase in government orders for shredding machines.

tents of files in former Czechoslovakia began to be leaked.

Models of local government ning, represented by diffe world, all have someth

Africa's development. Idas on a fact-

IFFERENT cities have dif government. As part of th cess, Idasa, together with Research and the Development A of rapidly urbanising, racially of South Africans explore and learn i Thirty people involved in th Forum spent January visiting a ranging from New York to Asma an innovative approach to local g Each participant visited three nents: either Dakar or Asmara in or Toronto in North America; as The aim was to study the kinds

arrangements that would best su Asmara, capital city of Eritrea, by palm trees and graceful old b nial heritage. Population of the ci Committed to avoiding uncor

quent decline in the quality of life a policy of radically restricting gr

ries may be built in Asmara or otl

The Eritrean experience is nov

urban development, human res

to be the focus of future investre being decentralised and various the capital.

cess story and a model for the Africans it is a humbling and enli The country has only just em

with Ethiopia, finally winning in percent of Eritreans voted for se Nations-monitored referendum.

And yet, apart from destroye "graveyards" full of rusting mi believe that one of Africa's most

two years ago. There were no solo

were carried by a police officer a the safest city the group visited. Eritrea underwent a remarka

Except for those remaining in the