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978-1-107-04949-9 - Transitional and Retrospective Justice in the Baltic States

Eva-Clarita Pettai and Vello Pettai

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## TRANSITIONAL AND RETROSPECTIVE JUSTICE IN THE BALTIC STATES

More than twenty years after the fall of Communism, many countries in Central and Eastern Europe are still seeking truth and justice for the repression suffered under communist rule. This search has been particularly notable in the Baltic states, given the three countries' histories as both former Soviet republics and later member states of the European Union. On the one hand, the legacy of Stalinist oppression was more severe in these countries than elsewhere in Central Europe, but on the other hand much of this past could more easily be externalized onto the former Soviet Union (and by extension Russia) following re-independence.

*Transitional and Retrospective Justice in the Baltic States* develops a novel conceptual framework in order to understand the politics involved with transitional and retrospective justice, and then applies this outline to the Baltic states to analyze more systematic patterns of truth- and justice-seeking in the post-communist world.

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*To Amma and Raul*

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## ACKNOWLEDGMENTS

If we were to explain how this book project came about, it would definitely be a case of social science overkill to say that it resulted from both “distal and proximate causes.” Still, it is true that already in the early 1990s both of us had a strong interest in the politics of the past in the Baltic states. Whether it was a concern with the “democratization of history” in Latvia (Eva-Clarita) or a fascination with the doctrine of “legal continuity” in Estonia (Vello), there was a strong overlap in the questions we were asking about how the past is played out in contemporary politics. In 2008, these two trajectories merged into one, when Carlos Closa Montero invited us to contribute to a European Union commissioned project entitled “How the Memory of Crimes Committed by Totalitarian and/or Other Repressive Regimes in Europe Is Dealt With.” We agreed to prepare jointly the national report on Estonia. And when in 2009 this research was completed, our appetite had been whetted for a more extensive and comparative study of the Baltic states.

While we drew some inspiration from the other project reports on Latvia and Lithuania that had been written (and kindly shared with us) by Andrejs Plakans (Latvia) and Tomas Balkelis and Violeta Davoliūtė (Lithuania), we realized that there was much more that could be researched on these issues, particularly from a political science perspective that was our own. We therefore examined the broad array of conceptual and theoretical frameworks that have been put forward to make sense of the politics of truth and justice in post-communist societies. We also harnessed our combined language skills (in Estonian, Latvian, Russian, French and German) to access as many additional archival, legal, scholarly and media resources as possible. Where our own language skills were not enough (i.e. in Lithuanian), our quick and abiding research assistant Lukas Pukelis helped made up the difference. The core of our endeavor was complete.

Along the way, however, we also benefited from other help. One of these impulses came from the participants in the workshop “Between Retribution and Restoration: Explaining the Politics of Transitional

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Justice” organized by Klaus Bachmann and Adam Czarnota at the 2012 Joint Sessions of the European Consortium for Political Research. Although our final conceptual framework bears only a partial resemblance to what we presented there, this is perhaps the finest tribute that we can pay to the Workshop, since its participants helped alert us to many initial weaknesses in our argument. Other readers such as Lavinia Stan and, again, Klaus Bachmann helped to refine our thoughts at different stages, especially with regard to the conceptual parts of our book.

In 2012–13, as we entered the *tous azimuts* stage of data collection and fact checking, Mārtiņš Kaprāns kept us abreast of a number of additional sources and developments in Latvia. Aigi Rahi-Tamm offered her insights on Estonia. And a number of key interviewees in all three countries (see our list after the References) provided even more perspective on the very diverse realms of truth and justice. Maija Skurska also supplied additional research assistance for Latvia.

Eventually, when authors begin to think that they know enough about a topic to start writing about it, they inevitably look for support from institutions and other kind folk to facilitate their textual creativity. Our primary source of support came, of course, from the University of Tartu and two important research grants from the Estonian Ministry of Education and Research (Targeted Finance Project nr SF0180128s08 and Institutional Research Grant nr IUT20–39). Our thanks also go to the European University Institute (and here in particular to Andreas Frijdal, László Bruzst and their support staffs) for making possible two weeks of intensive writing at the Villa San Felice during March–April 2013. Another absolutely blissful period of creative writing was enabled by Vieda Skultāne, who graciously offered her flat in Riga to Vello during two weeks in January 2014 so that two more chapters could be brought across the finish line.

When all of our analyses, arguments, claims and conclusions were complete, it remained for people like Lina Strupinskienė, Rein Taagepera, Lukas Pukelis and Dovilė Budrytė to assess our work as collegial critics, and for Cambridge University Press’ own reviewer to have his/her say. We integrated their comments as extensively as we could. Many were extremely thorough and insightful! Our thanks also go to Elizabeth Spicer at Cambridge for her generosity when it came to extending deadlines and to the editing team at the Press.

Needless to say, our closest help for this project came from our son Jakob who, amidst his seven years of age, endured valiantly each time his

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mom and dad started debating ‘Box 2’ vs. ‘Box 3’ in a language (English) he had yet to master. We trust, however, that he will eventually come to understand this tongue, as well as the import of this book, for as an Estonian-German his heritage, too, encompasses the many issues dealt with on these pages. We also take the opportunity to thank Jakob’s grandparents, Adam and Verena, who on many occasions helped pass their grandson’s time as different chapters came into being.

Lastly, it bears mentioning that just as key parts of this work were being completed in Florence, one of the people to whom we dedicate this work, Clarita von Trott zu Solz (or Amma) departed this world. Because totalitarianism, loss and remembrance were all a part of Amma’s remarkable life, her example was forever present in our minds as we tackled these difficult issues. Similarly inspirational was the story of Raul Pettai, who in 1944 was forced to leave his homeland just as the most anguishing clash of two totalitarian powers took place. That he moved on with his life while maintaining his national identity is a testimony to the Baltic peoples’ ability not to be crushed by the weight of the past, but always to push forward with an enduring sense of character and purpose.

## ABBREVIATIONS

CoE	Council of Europe
EC	European Commission
ECtHR	European Court of Human Rights
ECHR	European Convention on Human Rights
EPP-ED	European Peoples Party-European Democrats
EU	European Union
IKUERK	<i>Inimsusevastaste kuritegude uurimise Eesti rahvusvaheline komisjon</i> (Estonian International Commission for the Investigation of Crimes Against Humanity)
JHA	Justice and Home Affairs
KAPO	<i>Kaitsepolitsei</i> (Estonian Security Police Board)
KGB	<i>Komitet gosudarstvennoy bezopasnosti</i> (Soviet Committee on State Security)
LAF	<i>Lietuvos aktyvistų frontas</i> (Lithuanian Activists Front)
LDDP	<i>Lietuvos demokratinė darbo partija</i> (Lithuanian Democratic Labor Party)
LGGRTC	<i>Lietuvos gyventojų genocido ir rezistencijos tyrimo centras</i> (Lithuanian Genocide and Resistance Research Center)
LOM	<i>Latvijas Okkupācijas muzejs</i> (Occupation Museum of Latvia)
LPKTS	<i>Lietuvos politinių kalinių ir tremtinių sąjunga</i> (Lithuanian Union of Political Prisoners and Deportees)
LPRA	<i>Latvijas politiski represēto apvienība</i> (Latvian Association of Victims of Political Repression)
LVK	<i>Latvijas vēsturnieku komisija</i> (Commission of the Historians of Latvia)
MGB	<i>Ministerstvo gosudarstvennoi bezopasnosti</i> (Soviet Ministry of State Security)
MEP	Member of European Parliament
NATO	North Atlantic Treaty Organisation
NKGB	<i>Narodnyi komissariat gosudarstvennyi bezopasnosti</i> (People's Commissariat for State Security)
NKVD	<i>Narodnyi komissariat vnutrennykh del'</i> (People's Commissariat for Internal Affairs)

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ORURK	<i>Okupatsioonide repressiivpoliitika uurimise riiklik komisjon</i> (State Commission for the Examination of Repressive Policies Carried Out During the Occupations)
PACE	Parliamentary Assembly of the Council of Europe
SAB	<i>Satversmes aizsardzības birojs</i> (Latvian Constitutional Protection Bureau)
STS	<i>Specialiųjų tyrimų skyrius</i> (Special Investigations Division, Lithuanian Prosecutor General's Office)
SWC	Simon Wiesenthal Center
TKNSORNLI	<i>Tarptautinė komisija nacių ir sovietinio okupacinių režimų nusikaltimams Lietuvoje įvertinti</i> (International Commission for the Evaluation of the Crimes of the Soviet and Nazi Occupation Regimes in Lithuania)
TRNIK	<i>Totalitāro režīmu noziegumu izmeklēšanas komisija</i> (Investigative Commission for the Crimes of the Totalitarian Regimes)
TRNIN	<i>Totalitāro režīmu noziegumu izmeklēšanas nodaļa</i> (Investigative Division for Crimes of the Totalitarian Regimes, Latvian Prosecutor General's Office)
TSDC	<i>Totalitārisma seku dokumentēšanas centrs</i> (Center for the Documentation of the Consequences of Totalitarianism)
TS-LDK	<i>Tėvynės sąjunga-Lietuvos krikščionys demokratai</i> (Homeland Union-Lithuanian Christian Democrats)