

Transitional Justice in the Judiciary: Lessons from the Portuguese Democratisation

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Abstract: *The nature of the Portuguese transition to democracy and the following state crises (1974-1975) created a 'window of opportunity' in which the 'reaction to the past' was much stronger than in the other Southern or even of Central and Eastern European transitions.*

In Portugal, initiatives of symbolic rupture with the past began soon after the April 25, 1974, coup d'état and transitional justice policies assumed mainly three formulas. First, the institutional reforms directed primarily to abusive state institutions such as the political police (PIDE-DGS) and political courts (Plenary courts) in order to dismantle the repressive apparatus and prevent further human rights abuses and impunity. Secondly, the criminal prosecutions addressed to perpetrators considered as being the most responsible for repression and abuses. Finally, lustration or political purges (saneamentos, the term used in Portugal to designate political purges) which were, in fact, the most common form of political justice in Portuguese transition to democracy.

This paper deals with the peculiarities of transitional justice in Portugal devoting a particular attention to the judicial, a key sector to understand the way the Portuguese dealt with their authoritarian past.

1. 40 Years of the Downfall of Portuguese Dictatorship

This year Portugal celebrates the 40th anniversary of the 25 of April 1974, a coup d'état that overthrew the dictatorship that ruled the country for almost half a century (1926-1974) and gave way to a revolutionary process that, after two years of intense struggle (1974-1976), led to the institutionalization of democracy.

Commemorations and crises sometimes bring the past back into political arena and revive old quarrels. Nevertheless, this statement does not apply to the Portuguese case. Portuguese democracy is going through a difficult time but oddly this crisis does not seem to have affected the memory of the Portuguese regarding its genesis or even the country's authoritarian past. The dictatorship and the revolution are now history and it is very difficult to activate them politically. Portuguese democracy built an official memory of rejection of fascism and visions of the past are consolidated.

This image of a society reconciled with its past stands out in the various surveys and inquiries that have been carried out over recent months. According to a survey conducted by the Institute of Social Sciences (ICS), University of Lisbon, for more than half of the interviewees (58%), the so called Carnation Revolution is seen as more positive than

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