

## ARTICLE

# The Ghost of Trials Past: Transitional Justice in Greece, 1974–1975

Evanthis Hatzivassiliou Department of History and Archaeology, University of Athens, University Campus 157 84, Athens, Greece  
[xevanthis@arch.uoa.gr](mailto:xevanthis@arch.uoa.gr)

There were major guidelines in the application of Greek transitional justice in 1974–5. Trials connected with politics had often taken place in Greece: in 1922, 1935 and during the civil war in the 1940s. Justice had often been instrumentalised during previous internal conflicts, mortgaging both the interwar republic and the post-war democracy. The 1974–5 transition followed a different path. According to the internal documents of the Greek government, there was constant care to uphold the rule of law and conform to the emerging international standards concerning human rights. This was seen as a necessary precondition for the establishment of a modern European democracy.

The rise of the human rights agenda during the 1960s and the 1970s was an integral component of the nascent post-industrial era. The 1967–74 Greek dictatorship became part of this debate. A member of NATO since 1952, Greece was a showcase of the effectiveness of American assistance that had kept the country in the West and had ensured its modernisation. A military dictatorship in such a country of strong symbolisms (often described as the ‘cradle of democracy’) attracted the attention of the ascending transnational human rights movement. The imposition of the junta led to the ‘freezing’ of Greece’s 1961 Association Agreement with the European Economic Community (EEC), and to the mobilisation of the Scandinavian countries and Holland in the Council of Europe, which effectively expelled Athens in 1969, following investigations for torture.<sup>1</sup>

This article discusses Greek transitional justice after the fall of the dictatorship in July 1974. The available bibliography includes works based on the published records of the trials; lately, works dealing with memory and public history have also appeared.<sup>2</sup> This article is the first attempt to study the

<sup>1</sup> Effie G.H. Pedaliu, ‘Human Rights and International Security: the International Community and the Greek Dictators’, *The International History Review*, 38, 5 (2016), 1014–39; Barbara J. Keys, ‘Anti-Torture Politics: Amnesty International, the Greek Junta, and the Origins of the Human Rights Boom in the United States’, in Akira Iriye, Petra Goedde and William I. Hitchcock, eds., *The Human Rights Revolution: An International History* (New York: Oxford University Press, 2012), 201–21; Sarah B. Snyder, *From Selma to Moscow: How Human Rights Activists Transformed US Foreign Policy* (New York: Columbia University Press, 2018), 60–86. See also Effie G.H. Pedaliu, ‘Human Rights and Foreign Policy: Wilson and the Greek Dictators, 1967–1970’, *Diplomacy and Statecraft*, 18, 1 (2007), 185–214; Kristine Kjærsgaard, ‘Confronting the Greek Military Junta: Scandinavian Joint Action under the European Commission on Human Rights, 1967–70’, in Poul Villaume, Rasmus Mariager and Helle Porsdam, eds., *The ‘Long 1970s’: Human Rights, East-West Détente and Transnational Relations* (London: Routledge, 2016), 51–70; Konstantina Maragkou, ‘Favouritism in NATO’s Southeastern Flank: the Case of the Greek Colonels, 1967–74’, *Cold War History*, 9, 3 (2009), 347–66; Alexandros Nafpliotis, *Britain and the Greek Colonels: Accommodating the Junta in the Cold War* (London: I.B. Tauris, 2012); Emma de Angelis and Eirini Karamouzi, ‘Enlargement and the Historical Origins of the European Community’s Democratic Identity’, *Contemporary European History* 25, 3 (2016), 439–58.

<sup>2</sup> See among others, Nikos Alivizatos and Nikiforos Diamandouros, ‘Politics and the Judiciary in the Greek Transition to Democracy’, in A. James McAdams, ed., *Transitional Justice and the Rule of Law in New Democracies* (Notre Dame: University of Notre Dame Press, 1997), 27–60; Terence Roehrig, *The Prosecution of Former Military Leaders in Newly Democratic Nations: The Cases of Argentina, Greece, and South Korea* (Jefferson, NC: McFarland, 2002); Kathryn

subject based on British and US sources, but also on the internal documents of the Greek government including its studies of the legal issues. Research was undertaken in the archives of the prime minister, Constantine Karamanlis, the defence minister, Evangelos Averoff-Tossizza, and the minister for justice, Constantine Papaconstantinou, who then became speaker of the parliament. It will be argued that the Greek transition involved a break with the country's problematic political past; the Greek leaders tried to ensure that transitional justice functioned as an integral part of this profound change. Thus, they strove to avoid the mistakes of previous political trials, and to satisfy the demanding international standards for human rights. This was seen as a necessary precondition for the establishment of an inclusive democracy, able to integrate in European institutions.

### The Legacies of Vindictive Justice: Greece, 1915–74

Political trials were a usual phenomenon in Greece's turbulent twentieth century, which had been dominated by successive internal cleavages and has been described by scholarship as the 'era of the crisis of [Greek] institutions'.<sup>3</sup> The first such trial took place during the post-1915 National Schism between Venizelists and anti-Venizelists (supporters of the Liberal Prime Minister Eleftherios Venizelos and of King Constantine I respectively). In August–September 1922, Greece's irredentist ambitions led to a crushing defeat by Kemalist Turkey which resulted in a wave of almost 1.3 million refugees from Asia Minor. Following a coup by Venizelist army officers, the leaders of the anti-Venizelist governments that had lost the war were condemned for high treason by an extraordinary court-martial during the infamous 'Trial of the Six' in November 1922, and were summarily executed. It was clearly a case of a show-trial and an act of revenge. The Trial of the Six was denounced by the anti-Venizelists as judicial murder of their entire leadership. Its memory did a lot to undermine the legitimisation of the republic that was proclaimed in 1924. In turn, in March 1935, a failed Venizelist coup against the then anti-Venizelist government was also followed by show-trials and three executions, a clear case of retribution. Thus, among the people who were executed were two witnesses for the prosecution during the 1922 Trial of the Six, Generals (rtd) Miltiadis Koimisis and Anastasios Papoulas – the latter a anti-Venizelist who had switched sides and had testified against his former comrades in 1922. Shortly afterwards the monarchy was restored through another military coup, and in 1936 the king allowed General Ioannis Metaxas to impose a dictatorship. Vindictive justice during the interwar period did not claim many victims. However, it greatly contributed in undermining the legitimacy of the republican regime.<sup>4</sup>

During the next major internal conflict, the civil war of the 1940s, the pro-Western forces clashed with the Communist Party (*Kommounistiko Komma Helladas*; KKE). In 1946–9 twenty-five extraordinary court-martials were set up. They tried almost 50,000 communists; 60 per cent of the accused were acquitted, 30 per cent were given prison sentences and 10 per cent were condemned to death. Recent studies estimate the number of executed communists at about 3,000. The executions were

Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (New York: W.W. Norton, 2011); Stefanos Katsikas, 'Transitional Justice after the Collapse of Dictatorship in Greece (1974–2000)', in Nico Wouters, ed., *Transitional Justice and Memory in Europe (1945–2013)* (Cambridge: Intersentia, 2014), 259–87; Costis Cornetis, 'Transitions, Collective Memory and Public History in Greece, Spain and Portugal' ('Μεταβάσεις, Συλλογική Μνήμη και Δημόσια Ιστορία στην Ελλάδα, την Ισπανία και την Πορτογαλία'), in M. Avgeridis, E. Gazi and C. Cornetis (eds.), *Transition: Greece at the Threshold of Two Centuries (Μεταπολίτευση: η Ελλάδα στο Μεταίχμιο Δύο Αιώνων)* (Athens: Themelio, 2015), 393–414; Evanthis Hatzivassiliou, 'Transitional Justice and the Founding of an Established Democracy in Greece, 1974–5', in Ömer Temel, ed., *Coup d'état Judgements in the World and Turkey* (Istanbul: Lale Publications, 2017), 446–55.

<sup>3</sup> Nikos Alivizatos, *The Constitution and Its Enemies in Modern Greek History (Το Σύνταγμα και οι Εχθροί του στη Νεοελληνική Ιστορία, 1800–2010)* (Athens: Polis, 2011).

<sup>4</sup> George T. Mavrogordatos, *Stillborn Republic: Social Coalitions and Party Strategies in Greece, 1922–1936* (Berkeley: University of California Press, 1983); Thanos Veremis, *The Military in Greek Politics: From Independence to Democracy* (London: Black Rose, 1997).

stepped up, especially after the assassination by the communists, in May 1948, of the centrist minister of justice, Christos Ladas – again, a deplorable use of judicial procedures for retribution.<sup>5</sup> Following the end of the civil war, executions of convicted communists also took place. Of these, the execution of Nikos Beloyiannis and his associates in 1952 caused international uproar, protests by international intellectuals and demonstrations against Greek diplomatic authorities throughout Europe.

During the 1946–9 civil war a series of ‘extraordinary measures’ were adopted, ranging from the persecution of individual citizens suspected of being communist sympathisers to the banishment of the KKE (December 1947). These ‘extraordinary measures’ were retained in force when Greece’s post-civil war constitution was enacted in 1952 (by the same centrist government that executed Beloyiannis). The retention of these measures in force led to the description of Greece’s post-civil war regime as a ‘sickly democracy’ or a ‘*démocratie difficile*’. Thus, in the aftermath of the civil war, repression of the KKE (and trials of its members) continued, as the ‘security of the regime’ became a priority for a terrified pro-Western Greek political system.<sup>6</sup> These trials, together with the banishment of communists through administrative processes (not judicial proceedings), became a focal point for the defeated of the civil war, who pointed to their persecution.

After 1953, and mostly under the Constantine Karamanlis governments in 1955–63, Greece attained economic development that radically modernised the country, and laid the basis for the setting up of an established democracy and for the full entry into the EEC that would follow in the 1970s.<sup>7</sup> Moreover, the Karamanlis administrations ceased the executions of convicted communists: the last execution, of Christos Karadais, took place on 1 May 1955, and Karamanlis assumed the premiership in October.<sup>8</sup> Despite a revival of anti-communist measures after the 1958 elections, many convicted or banished communists were released, and in 1962 the last camp for the internal exile of communists was closed down.<sup>9</sup> However, Karamanlis tried but failed to change the structure of the *démocratie difficile*: in 1961 the opposition denounced the elections as the product of ‘violence and fraud’ (although these elections were conducted by a caretaker, not by a Karamanlis government); in 1963, Karamanlis’s proposal to amend the constitution met determined resistance by the palace and the opposition; and in May 1963 the assassination of the left-wing MP Grigoris Lambrakis, by paramilitary thugs who had access to the police establishment, delivered a huge blow to the Karamanlis administration which had failed to control these networks.<sup>10</sup> Then, the deep political crisis of the mid-1960s gave the opportunity to a group of extremist officers to topple Greek democracy in April 1967.

During the 1967–74 dictatorship, justice again emerged as a crucial battlefield. The dictators set up new extraordinary courts-martial deciding cases of penal law with only nominal observance of the

<sup>5</sup> Spyridon Plakoudas, *The Greek Civil War: Strategy, Counterinsurgency and the Monarchy* (London: I.B. Tauris, 2017), 94–5; Sakis Moutmtzis, *Red Violence: Silences of Guilt, Left-wing Myths (Η Κόκκινη Βία, 1947–1950: Ένοχες Σιωπές, Αριστεροί Μύθοι)* (Thessaloniki: Epikentro, 2015), 167–71.

<sup>6</sup> Nikos Alivizatos, *The Political Institutions in Crisis, 1922–1974: Aspects of the Greek Experience (Οι Πολιτικοί Θεσμοί σε Κρίση, 1922–1974: Όψεις της Ελληνικής Εμπειρίας)* (Athens: Themelio, 1983); Roussos S. Koundouros, *The Security of the Regime: Political Prisoners, Deportations and Classes in Greece, 1924–1974 (Η Ασφάλεια του Καθεστώτος: Πολιτικοί Κρατούμενοι, Εκποτίσεις και Τάξεις στην Ελλάδα)* (Athens: Kastaniotis, 1978); Maurice Genevoix, *La Grèce de Caramanlis ou la démocratie difficile* (Paris: Plon, 1972); Elias Nicolacopoulos, *The Sickly Democracy: Parties and Elections, 1946–1967 (Η Καχεκτική Δημοκρατία: Κόμματα και Εκλογές)* (Athens: Patakis, 2001).

<sup>7</sup> The best analysis is William H. McNeill, *The Metamorphosis of Greece since World War II* (Oxford: Basil Blackwell, 1978).

<sup>8</sup> For this last execution see G. Moraitis, ‘A People’s Fighter of the Beloyiannis Generation’ (‘Ενας Λαϊκός Αγωνιστής απ’ τη Γενιά των Μπελογιάννηδων’), *Rizospastis*, 4 May 2005.

<sup>9</sup> See mostly Nikos Alivizatos, ‘Karamanlis and the Left during the Crucial Period 1955–1963’ (‘Ο Κ.Γ. Καραμανλής και η Αριστερά την Κρίσιμη Οκταετία, 1955–1963’), in Constantine Svolopoulos, Konstantina E. Botsiou and Evanthis Hatzivassiliou, eds., *Constantine Karamanlis in the Twentieth Century*, Vol. A (Athens: Karamanlis Foundation, 2008), 125–36.

<sup>10</sup> See among others Alivizatos, *The Constitution and Its Enemies*, 375–80; Evanthis Hatzivassiliou, *Greek Liberalism: the Radical Trend, 1932–1979 (Ελληνικός Φιλελευθερισμός: το Ριζοσπαστικό Ρεύμα)* (Athens: Patakis, 2010), 385–400; Pavlos Sourlas (ed.), *The Lambrakis Assassination: The Historical Debate after Fifty Years (Δολοφονία Λαμπράκη: η Ιστορική Συζήτηση 50 Χρόνια Μετά)* (Athens: Foundation of the Parliament, 2016).

crucial procedures.<sup>11</sup> In 1968, the junta published a constitutional act that suspended for three days the institutional and personal guarantees for the independence and immunity of the judges; it should be noted that this was a tactic that had repeatedly been used during the National Schism in order to purge the judicial corps or the civil service of opponents. During these three days of 1968, thirty judges were dismissed, but they appealed to the high administrative court, the Council of State, which annulled their dismissal on the grounds that their right to be heard had been violated. The junta retaliated by dismissing the chairman of the court, Michael Stassinopoulos, and nine of its judges.<sup>12</sup> At the same time, the trials of members of the democratic opposition pointed to the instrumentalisation of justice by the regime. However, this effort finally backfired: the trial of the members of the Democratic Defence (*Democratiki Amyna*) in 1970 attracted international attention and boosted transnational mobilisation against the junta.<sup>13</sup>

In other words, since 1915 the Greek record had been regretful. The interwar republic and the post-civil war democracy had been founded on the repression (but also on the blood) of the ‘internal enemy’. The 1974–5 transition would greatly depend on the country’s ability to break this vicious circle.

### Dilemmas of Transitional Justice: Power Politics, Judicial Processes and the Break with the Past

The junta collapsed because of the Turkish invasion of Cyprus on 20 July 1974. On the night of 23 to 24 July, the former prime minister, Karamanlis, returned to Athens from his self-exile in Paris, and formed a national unity government which oversaw the restoration of democracy. During the transition Karamanlis faced immense challenges. The junta had imploded; it had not been toppled by another power centre which could prevent a vacuum of power or a new military coup by an army still largely controlled by junta supporters. Moreover, the government faced the danger of war with Turkey either in the Aegean or in Cyprus; in mid-August 1974, the second Turkish invasion of Cyprus resulted in the occupation of almost half the island.

Despite the problems, Karamanlis realised that he had a window of opportunity to achieve goals that had eluded him until then. General elections were held in November 1974, when Karamanlis’s newly-established party, the New Democracy (*Nea Dimokratia*), triumphed with almost 55 per cent of the vote and formed a new government. This gave Karamanlis a great leverage on political developments. He did not aim simply to secure a mere return to the pre-junta period; he set out to solve with one stroke all the problems which the two Greek cleavages of the twentieth century had created – both the post-1915 National Schism and the civil war of the 1940s. Thus, in September 1974 the national unity government legalised the KKE, which had been outlawed since the civil war, a major step towards the establishment of an inclusive democracy.<sup>14</sup> In December 1974 a referendum abolished the monarchy, solving a pending issue of the old National Schism. After the referendum, the parliament elected Stassinopoulos as the interim president of the republic – the chairman of the high court who in 1969 had defied the junta and had been dismissed for his stand.<sup>15</sup> The new constitution, enacted in June 1975, modernised Greek institutions. It also placed great emphasis on the proper

<sup>11</sup> See mostly Christophoros D. Argyropoulos, ‘Trials and Torture during the Dictatorship’ (‘Δίκες και Βασανιστήρια στη διάρκεια της Δικτατορίας’), in Pavlos Sourlas, ed., *The Colonels’ Dictatorship and the Restoration of Democracy (Η Δικτατορία των Συνταγματάρχων και η Αποκατάσταση της Δημοκρατίας)* (Athens: Foundation of the Parliament, 2016), 423–8.

<sup>12</sup> Spyros Vlachopoulos and Evanthis Hatzivassiliou, *Dilemmas of Greek Constitutional History: The Twentieth Century (Διλήμματα της Ελληνικής Συνταγματικής Ιστορίας: Εικοστός Αιώνας)* (Athens: Patakis, 2018), 288–92.

<sup>13</sup> See Christos Christidis, ‘The British Press and the Greek Resistance against the Colonels, 1967–1974’, in Anastasia Yiangou and Antigoni Hereaclidou, eds., *Cyprus from Colonialism to the Present: Visions and Realities* (London: Routledge, 2018), 224–36.

<sup>14</sup> Spyros Vlachopoulos, ‘Law 59/1974 on the Setting Up and Function of Political Parties’ (‘Το ν.δ. 59/1974 περί Συστάσεως και Επαναλειτουργίας των Πολιτικών Κομμάτων’), in Sourlas, ed., *The Colonels’ Dictatorship and the Restoration of Democracy*, 503–12.

<sup>15</sup> See Antonis Klapsis, ‘The Greek Transition to Democracy’, in Antonis Klapsis, Constantine Arvanitopoulos, Evanthis Hatzivassiliou and Effie Pedaliu (eds.), *The Greek Junta and the International System: A Case Study of Southern European Dictatorships, 1967–1974* (London: Routledge, 2020), 215–27.

function of the justice system, including institutional and personal guarantees for the independence of the judges. It included strict provisions about the inviolability of the individual's person and strictly forbade administratively-imposed detention of citizens, an unfortunate practice since the National Schism which had peaked during the anti-communist suppression of the civil war and its aftermath. Article five, paragraph four of the constitution provided that any measures limiting the freedom of movement of Greek citizens would have to be imposed by a penal court, namely, by judges enjoying institutional guarantees for their independent judgment.<sup>16</sup> The 1974–5 transition marked the end of the 'era of the crisis of institutions'. It was 'nothing short of a structural transformation in Greek politics' and a 'broader process of rupture with the past'.<sup>17</sup> The effort to build a stable democracy was also directly connected with the aim to integrate into Europe; the one would mutually support the other.<sup>18</sup>

Transitional justice became part of this comprehensive strategy. However, the Karamanlis governments of 1974–5 were caught in the crossfire. The junta was a humiliating experience; the Turkish occupation of the north of Cyprus was reminiscent of the 1922 defeat in Asia Minor which had led to the Trial of the Six. Popular slogans in summer 1974 included 'Give the junta to the people' and 'All the guilty to Goudi', namely to the site of the 1922 executions after the Trial of the Six.<sup>19</sup> Moreover, other political forces were ready to ride the tide of popular indignation. Although the newly-legalised KKE prudently maintained a low profile, the Panhellenic Socialist Movement (*Panhellenio Socialistiko Kinima*; PASOK) projected radical, anti-Western views and assumed a vindictive stand.<sup>20</sup> Under its charismatic leader, Andreas Papandreou, PASOK evidently aimed to use the slogan of 'cleansing' (*katharsis*) in order to target all conservatives (not only those who had collaborated with the junta) and attempt to dominate the political scene through a populist explosion.

But Karamanlis also faced challenges from the far right. These involved the relentless realities of military hardware at the hands of disgruntled army officers, and thus the danger of a new military coup.<sup>21</sup> During the uncertain early months of the transition, the ministers of defence, Averoff, and public order, General (rtd) Solon Ghikas, suppressed successive coup attempts by extremist military elements or even attempts to assassinate Karamanlis.<sup>22</sup> Tellingly, on 19 August 1974, when the chiefs of the army were replaced, the relevant government meeting was held in complete secrecy, while officials at the national printing office remained alert to print the decree, thus bringing it into force immediately.<sup>23</sup> Following this, the government dismissed from active service the last dictator, Brigadier General Dimitrios Ioannides. Indeed, two days earlier, Ioannides had presented himself unannounced to the minister of defence, Averoff. The latter reacted by taking out his pistol, placing it on the table, and remarking: 'We are both conspirators. Of course you are a better one than me. But I have the advantage of conspiring from this ministerial chair. And I am ready to face any revolt and drown it in blood.'<sup>24</sup>

<sup>16</sup> Alivizatos, *The Constitution and Its Enemies*, 499–507.

<sup>17</sup> Alivizatos and Diamandouros, 'Politics and the Judiciary', 52.

<sup>18</sup> Eirini Karamouzi, *Greece, the EEC and the Cold War, 1974–1979: The Second Enlargement* (Basingstoke: Palgrave-Macmillan, 2014).

<sup>19</sup> Sikkink, *The Justice Cascade*, 33, 36–41.

<sup>20</sup> On the early PASOK, see among others Lykourgos Kourkouvelas, 'Monitoring the Rise of a Radical Force: The British Embassy in Athens and the Ascent of the Greek Panhellenic Socialist Movement, 1974–1981', *Journal of Southeastern European and Black Sea Studies*, 17, 3 (2017), 485–503.

<sup>21</sup> Lykourgos Kourkouvelas, 'Continuity and Change: The Karamanlis Governments Facing Junta Supporters' (Συνέχεια και Αλλαγή: οι Κυβερνήσεις Καραμανλή απέναντι στους Νοσταλγούς της Χούντας, 1974–1975'), in Sourlas, ed., *The Colonels' Dictatorship and the Restoration of Democracy*, 545–61.

<sup>22</sup> Ghikas, 'Summary Report of Activities from 24 July 1974 until 6 January 1976', 30 March 1976, File 51B, Constantine Karamanlis Archive [hereafter KA], Constantine G. Karamanlis Foundation, Athens.

<sup>23</sup> See Constantine Svolopoulos, gen. ed., *Constantine Karamanlis: Archive, Events and Texts (Κωνσταντίνος Καραμανλής: Αρχείο, Γεγονότα και Κείμενα*; hereafter *Karamanlis*), Vol. 8 (Athens: Edotike Athenon, 1996), 112.

<sup>24</sup> Stavros Psycharis, *Seventy Crucial Days (Οι 70 Κρίσιμες Ημέρες)* (Athens: Papazisis, 1976), 148. Averoff's display of his pistol on various occasions also in Kubisch to State Department, 07460, 11 Oct. 1974, RG 59, Central Foreign Policy Files,



Even then, the challenges were not over. In late August, when Karamanlis spoke to the first post-dictatorship public rally in Thessaloniki, another attempt to assassinate him was averted.<sup>25</sup> By September, prominent junta supporters were removed from the army.<sup>26</sup> In early October, pro-junta officers planned to occupy the state television building and arrest the prime minister, but the effort was again frustrated.<sup>27</sup> The proclamation of the November 1974 elections was carefully planned with an eye to retain the initiative towards the junta supporters and avoid a coup.<sup>28</sup> In early December, another attempt to assassinate Karamanlis was stopped.<sup>29</sup> In February 1975 Averoff suppressed an attempted coup by army officers; it was this episode (the so-called 'pyjamas coup', because the conspirators were arrested suddenly at night) that marked the definite re-imposition of political control over the army.<sup>30</sup>

The judicial procedure against the junta leaders evolved together with the proclamation of the elections. Charges of private citizens against the dictators had been filed since early September, but the question arose whether the amnesty proclaimed immediately after the fall of the junta (in order to free political prisoners) had covered the crimes of its leaders as well. On 3 October 1974, a constitutional act, issued by the national unity government, stipulated that the amnesty did not cover the deeds of the 'prime actors' of the 1967 coup, who would be tried by the five-member court of appeals. This was a pivotal decision: it limited the possible prosecutions only to the leaders of the 1967 coup, thus leaving out of the process anyone who had subsequently collaborated with the dictatorship, from cabinet ministers to civil servants of all ranks. There is ample evidence that this strategic decision suited Karamanlis's own preference to focus on the leaders of the junta.<sup>31</sup> On 22 October, as the country was being 'shielded' politically by its entry into the electoral period, the leaders of the 1967 coup (Georgios Papadopoulos, Nikolaos Makarezos, Stylianos Pattakos) were arrested and removed to the island of Kea.

The minister of justice, Papaconstantinou, had studied the issue carefully before the issuing of the constitutional act. In his personal archive, there is a note of September 1975, providing an explanation for these decisions. The government had opted not to impose 'administrative sanctions' against the junta leaders nor to set up an extraordinary court martial (a major departure from previous practices of 1922, 1935 and 1946–9). These would have been legally unacceptable internationally. The junta leaders would have a fair trial by an ordinary court, with the judges enjoying all guarantees for their independent judgment. The dictators would be tried according to legislation which had been in force on 21 April 1967, and thus the fundamental penal principle of *nullum crimen nulla poena sine lege* would be upheld. It was stressed that the government had studied the experience of other countries and had decided to follow a procedure which would become 'a model for foreign countries'.<sup>32</sup>

### The Junta Trials, 1975

The Greek state now had to prove that it could conduct a fair trial. On 14 January 1975 the parliament approved its famous fourth resolution, providing that 'democracy, in law, was never abolished'. This

1973–9/Electronic Telegrams, in National Archives and Records Administration [hereafter NARA], Washington, DC, last visited 30 Jan. 2019.

<sup>25</sup> Karamanlis, Vol. 8, 142; Ghikas, 'Summary Report of Activities', KA/51B.

<sup>26</sup> See the reports of the British embassy, 'Re-instatement of Anti-junta Administration', 10 Sept. 1974, 'Dismantling the Junta' and 'Suspension of Greek Service Officers', 25 Sept. 1974, London, The National Archives [hereafter TNA], Foreign and Commonwealth Office Records, FCO 9/1999.

<sup>27</sup> Ghikas, 'Summary Report of Activities', KA/51B.

<sup>28</sup> Richards (Athens) to Goodison (FCO), 2 Oct. 1974, TNA, FCO 9/1999. See also, Intelligence Memorandum, 'The Greek Elections', 5 Nov. 1974, *Foreign Relations of the United States* [hereafter FRUS], 1969–76, XXX (Washington, DC: Government Printing Office, 2007), 105–13.

<sup>29</sup> Ghikas, 'Summary Report of Activities', KA/51B.

<sup>30</sup> Karamanlis, Vol. 8, 323–7.

<sup>31</sup> Alivizatos and Diamandouros, 'Politics and the Judiciary', 36.

<sup>32</sup> Note, 27 Sept. 1975, File 52, Constantine Papaconstantinou Archive [hereafter PA], Constantine G. Karamanlis Foundation, Athens.

meant that the dictatorship was not a 'revolution' creating its own system of law, but an illegal regime, the leaders of which could be prosecuted. Interestingly, the parliament decision of 14 January also sparked the reactions of an impatient public opinion: on 15 January demonstrations took place in Athens and in Thessaloniki, demanding the exemplary punishment of the dictators. A government statement swiftly noted that the junta leaders would have a fair trial, and that 'demonstrations or demagogic movements are pointless and anyway have no place in an orderly society'.<sup>33</sup> Similarly, public calls for the prosecution of Despina Papadopoulou, the wife of the prime leader of the junta – a clear demand for unlawful revenge on a personal level – were also ignored.<sup>34</sup> Once more, the determination of the government not to be bullied by junta supporters and not to be carried away by popular indignation became clear. Also notably, the attempted coup of February 1975 followed this parliament decision.

In the following two months, the Athens court of appeals dealt with the petitions of the accused against their prosecution, and studied carefully who were the 'prime actors' of the 1967 coup, liable to be tried.<sup>35</sup> There was no government interference: during the cabinet meeting of 7 March, Karamanlis noted that he would prefer the trials to be sped up, 'but, you see, we do not control justice'.<sup>36</sup> Although ninety-six people were investigated for the toppling of Greek democracy, on 22 May 1975 the court charged twenty-four as 'prime actors'. Of these, four were acquitted during the preparatory judicial processes, and twenty went to court, charged for the crimes of mutiny and high treason, namely, the toppling of the democratic regime.<sup>37</sup>

At the same time, a trial for the conduct of the junta leaders in the case of the 1974 Cyprus crisis was also planned but was never held: prosecutions regarding the Cyprus crisis were 'deferred' by a decision of the cabinet on 7 March 1975, in order to avoid 'a possible turmoil in the international relations of the country'. Many public commentators, until recently, have suggested an effort to avoid a discussion of US and Western attitudes during the Turkish invasion. However, this interpretation is mistaken. The specific rationale was adopted by the cabinet because it was the only available one under the penal code. According to the minutes of the cabinet meeting, the real motive for the decision was the need to protect President Makarios in Cyprus, who had also decided not to pursue trials for the events leading to the Turkish invasion and was in danger of losing control vis-à-vis the very threatening Greek Cypriot far right. Indeed, during the cabinet meeting Ghikas stressed that it was imperative to announce the decision immediately because a move against Makarios by the Greek Cypriot far right was imminent. Karamanlis also told his ministers that the leaders of the opposition had been informed and had agreed to the deferment of this trial.<sup>38</sup>

There is another interesting question. A trial for high treason in Cyprus (mostly the junta's decision to launch a coup against Makarios in Cyprus, thus providing the pretext for the Turkish invasion of 20 July 1974) could hide painful political and legal dilemmas. 'High treason' requires malice; thus, in the event of such a prosecution, the state would have to prove that the junta leaders *intended* the Turkish invasion of Cyprus to take place, something which arguably was practically impossible. It was possible to substantiate a charge of high treason for the overthrow of the country's regime in 1967; clearly, the 1967 conspirators had intended to effect this. But it was close to impossible to 'prove' that they *intended* to cause the Turkish occupation of Cyprus. A Cyprus trial in 1975 could thus come dangerously close to a repetition of the 1922 Trial of the Six – exactly the situation that Karamanlis and his ministers wanted to avoid. However, until now no hard evidence explicitly pointing to such a rationale by the government has been found.

<sup>33</sup> *Karamanlis*, Vol. 8, 292–4.

<sup>34</sup> Kubisch to State Department, 08593, 2 Dec. 1974, NARA, RG 59, Central Foreign Policy Files, 1973–9/Electronic Telegrams, last visited 30 Jan. 2019.

<sup>35</sup> Council of Appeal Judges of Athens, decision 175, 19 Mar. 1975, and Stamatis to the Judicial Council, no. 2184/75, 10 Apr. 1975, PA/52.

<sup>36</sup> Minutes of the Cabinet, 7 Mar. 1975, KA/51B.

<sup>37</sup> Roehrig, *The Prosecution of Former Military Leaders*, 123.

<sup>38</sup> Minutes of the Cabinet, 7 Mar. 1975, KA/51B.

On the road to the trial of the 'prime actors' of the 1967 coup, the government strove to retain control of events. In June 1975 Ghikas frustrated an attempt to free the former dictators from Korydallos prison.<sup>39</sup> On 2 July the supreme court of Areios Pagos rejected the petitions of the dictators who asked not to be tried because their 'revolution' of April 1967 had created a legal regime; the court also ruled that the crime of the toppling of democracy in April 1967 was an 'instant' one. This meant that the people who had subsequently cooperated with the regime (from cabinet ministers to mayors or civil servants) would not be prosecuted since they had not participated in the coup.<sup>40</sup> This sparked the adverse reaction of the opposition, which demanded that these people, too, be brought to justice. The Athens Bar Association as well as associations of lawyers (for example the Union of Democratic Lawyers and the New Movement of Lawyers) denounced the decision. The reaction of the opposition press was also strongly critical. The centrist daily *Vima* published an editorial arguing that the government had transferred a political decision to the shoulders of the courts; *Ta Nea*, of similar orientation, claimed that the decision had caused uproar even within Karamanlis's party; *Rizospastis*, the newspaper of the Communist Party, called it an *indulgentia* for the junta supporters.<sup>41</sup> In a public statement, the minister of justice, Constantine Stefanakis, stressed that the constitutional act of 3 October 1974 (signed also by the leaders of the Centre Union party who were members of the national unity government) spoke of 'prime actors', and had indicated that they would be tried according to the law which was in force in 1967. Attacks against Greek justice, Stefanakis continued, were 'dangerous for the smooth evolution of our political life, for reasons which everybody has an obligation to understand'.<sup>42</sup>

The danger of a reaction by the far right remained. In mid-June the government ordered Athens police not to give any leaves of absence to its members during the month of August, when the trials were expected to take place.<sup>43</sup> On 7 July, Karamanlis and Averoff addressed a meeting of 152 army officers serving in the Athens area, and indirectly warned against any thought of reacting against the holding of the trials; Karamanlis's speech was subsequently distributed to all formation commanders in the country, who were asked to address the officers under their command.<sup>44</sup> In late July, the US ambassador, Jack Kubisch, met Averoff and asked about the attitude of the army. The defence minister admitted that until recently there had been a danger that 'younger officers' might move, but the situation was now under control; in case of trouble, every major building in Athens would be immediately occupied by loyal troops. Averoff also indicated that if the court passed death sentences, these would be commuted.<sup>45</sup>

The trial of the junta leaders started on 28 July and ended on 23 August 1975. As could be expected, there was extensive and sensational press coverage. *Rizospastis* claimed that the junta leaders were not the only ones who should stand trial: next to them should also be 'the Right which had compromised with the junta' as well as 'the Americans, the CIA and NATO'.<sup>46</sup> Even the centrist press reproduced the climate of anti-Americanism, claimed that the imposition of the junta 'had been decided in Washington' and gave prominence to the testimony of Andreas Papandreou, who noted that the junta leaders were 'tools of NATO and the CIA'.<sup>47</sup> The court, however, did not deviate from due legal process. Of the twenty people accused, Papadopoulos, Makarezos and Pattakos received

<sup>39</sup> Ghikas, 'Summary Report of Activities', KA/51B.

<sup>40</sup> This had also been ruled by the Court of Appeals in April 1975. See Court of Appeals, decision no. 355, 30 Apr. 1975, PA/52.

<sup>41</sup> Editorial, 'So It Was Instant?' ('Ωστε 'Ηταν Στιγμιαίο?'), *To Vima*, 4 July; *Ta Nea*, 4 and 7 July; *Rizospastis*, 3 July 1975.

<sup>42</sup> *Karamanlis*, Vol. 8, 460.

<sup>43</sup> Kubisch to State Department, 04434, 17 June 1975, NARA, RG 59, Central Foreign Policy Files, 1973–9/Electronic Telegrams, last visited 31 Jan. 2019.

<sup>44</sup> Averoff, speech to army officers, Armed Forces Headquarters, 7 July 1975, and Arbouzis to Military Office of the Prime Minister, 28 July 1975, File 27/1, Evangelos Averoff-Tossizza Political Archive, Constantine G. Karamanlis Foundation, Athens.

<sup>45</sup> Kubisch to State Department, 05807, 31 July 1975, NARA, RG 59, Central Foreign Policy Files, 1973–9/Electronic Telegrams, last visited 1 Feb. 2019.

<sup>46</sup> See *Rizospastis*, 31 July, 3 and 19 Aug. 1975.

<sup>47</sup> *Ta Nea*, 29 July, 5, 6 and 9 August 1975.



the sentences of death and dishonourable discharge (for mutiny) and life sentences for high treason. Ioannides and fourteen others received life sentences.<sup>48</sup>

On 25 August the cabinet announced the commutation of the three death sentences to life imprisonment. The opposition severely criticised the ‘hasty’ decision, and even claimed that by doing so the government had ‘interfered’ with the work of the judiciary. Once more at the forefront of populist reaction, Papandreou, the leader of PASOK, stated that Karamanlis was fulfilling the ‘obligations’ he had undertaken to the junta leaders. The opposition press also strongly denounced the decision. *Ta Nea* protested against the ‘incomprehensible haste’ of the government, and noted that if the republic showed ‘clemency’ it would invite a repetition of the traumatic junta; on 26 August, the newspaper published an interview with Jean-Paul Sartre, who was strongly in favour of carrying out the executions.<sup>49</sup> *Rizospastis* insisted that the whole of the Greek people demanded the executions take place, and interpreted the commutation of the sentences as a ‘continuation of American rule’.<sup>50</sup> The government stood its ground. It noted that the carrying out of the sentences was a governmental responsibility, and the decision to commute them aimed at ‘the stabilization of democracy and the serenity of the country’. The secretary general of Amnesty International (AI), Martin Ennals, praised the decision as a step towards the abolition of the death penalty.<sup>51</sup>

Karamanlis had sent to Greek society a message of firmness and moderation, but he now had to make sure that this would not be misunderstood from the army. The government had arranged that the decision of the court was published during a large army exercise, held in what the British embassy described as the ‘relatively distant’ area of Drama in Greek Eastern Macedonia (close to Karamanlis’s hometown).<sup>52</sup> Thus, at the crucial moment the bulk of the army would be almost 700 km from Athens. On 29 August, Karamanlis attended the last phase of the manoeuvres, and then addressed the officers. He noted that those who, out of self-interest or ‘stupidity’, had supported the dictatorship, should remember the international humiliation that it had caused Greece. The death sentences had been commuted to life imprisonment, he said, but ‘when we say for life, we mean for life’.<sup>53</sup> Thus, he made clear that the sentences would be fully carried out, and Greek democracy would not forgive or forget its usurpation. This message was strengthened by the fact that in early August the trial of the February 1975 conspirators took place, resulting in the sentencing of fourteen of the twenty-one accused to prison sentences from four to twelve years.<sup>54</sup>

At the same time, August 1974, the first trial of military officers for torture started at the five-member Athens Permanent Court Martial. These trials were initiated after appeals of private citizens and continued in the following months, until the government established a strict deadline for the submission of petitions against torturers; this was the reason why the government was criticised for favouring the acquittal of many of the accused. Karamanlis feared that the indefinite continuation of these trials could impede the overall transition to democracy. It should be noted that at the time of the deed, torture was not a special crime and a felony in the Greek legal system. Thus, the accused were charged with misdemeanours such as abuse of power and personal injuries. This resulted in relatively lighter sentences; but following this path was necessary in order to avoid a retroactive application of the law which would have resulted in an unlawful process.<sup>55</sup>

<sup>48</sup> See the records of the trial in I. Voultepsis and P. Rodakis, eds., *The Junta Trials: Full Records (Οι Δίκες της Χούντας: Πλήρη Πρακτικά)*, four volumes (Athens: Dimokratikoi Kairoi, 1975).

<sup>49</sup> *Ta Nea*, 25 and 26 Aug. 1975.

<sup>50</sup> *Rizospastis*, 26 and 27 Aug. 1975.

<sup>51</sup> *Karamanlis*, Vol. 8, 502–12. See also Note, ‘The government position regarding the conversion of the three death sentences’, 27 Sept. 1975, PA/52.

<sup>52</sup> Richards to FCO, 22 Aug. 1975, TNA, FCO 9/2225.

<sup>53</sup> Karamanlis speech, 29 Aug. 1975, in *Karamanlis*, Vol. 8, 505–9.

<sup>54</sup> Kubisch to State Department, 06042, 11 Aug. 1975, NARA, RG 59, Central Foreign Policy Files, 1973–9/Electronic Telegrams, last visited 31 Jan. 2019.

<sup>55</sup> On these legal processes, see Nikos K. Alivizatos, ‘A Forgotten Accomplishment: The Trials of the Junta People’ (‘Ενα Ξεχασμένο Επίτευγμα: οι Δίκες των Χουντικών’), in Vaggelis Karamanolakis, Elias Nicolacopoulos and Tassos

In this first torturers' trial, thirty-seven people were condemned to various prison sentences; these included three high-ranking officers of the military police, who were condemned to imprisonment for twenty-three, twenty-two and seventeen years respectively.<sup>56</sup> This trial brought to the fore cases of depraved mental abuse and excessive physical violence. The press reported the process in detail. The headquarters of the military police was called the 'Greek Dachau', while *Rizospastis*, the communist daily, argued that the torturers were only low-rank functionaries; the real perpetrators (meaning the Americans) had escaped justice.<sup>57</sup> Still, the fears about a prolonged process were not unfounded: in September 1975, the government frustrated an attempt of junta supporters to attack the convoy and free the accused during their transportation from the court-martial to the military prison at the Athenian suburb of Boyati.<sup>58</sup>

In autumn, another trial took place before the five-member court of appeals, for the junta's suppression of the Athens Polytechnic revolt of November 1973; this resulted in three convictions for life (Ioannides received seven life sentences) and to the conviction of seventeen others to shorter sentences.<sup>59</sup> A number of other trials of members of the Athens security, the urban police and the gendarmerie followed.<sup>60</sup>

These judicial processes radically transformed the image of a country which some years earlier had been a villain of human rights internationally. In March 1976, reporting on the condition of human rights in Greece, the US embassy stressed that there had been 'continued progress towards strengthening the observance of human rights and institutional safeguards'. The embassy noted:

These basic guarantees have been observed under the Caramanlis [sic] government. One example is the method by which the trials of those accused of perpetrating human rights abuses (principally torture) during the junta era were conducted. The trials, in spite of their emotional nature, were fair and open, and received heavy coverage in the media.<sup>61</sup>

One year later, an Amnesty International publication also confirmed this change of image. AI, a major critic of the junta's conduct and the main organisation which had pointed to this junta practice, expressed its appreciation for the first torturers' trial of 1975: 'It is rare for as secretive a practice as torture to be so thoroughly opened up to scrutiny as it is now possible (albeit after the fact) in Greece'. At the same time, AI also put forward some criticism of the Greek government's decision to leave the initiation of legal proceedings against alleged torturers exclusively to the victims (AI held that the state should have taken the lead in this), for the short deadline for the submission of petitions by victims, for the Greek state's reluctance to provide compensation to the victims and for the tendency of the appeal courts sharply to reduce the sentences initially imposed. AI was grateful for the Greek government's support in many international fora (Greek diplomats played a prominent role in supporting the December 1975 'Torture Declaration' in the UN), although it would want Greece to

Sakellariopoulos (eds.), *Metapolitesfi, 1974–5: Moments of a Transition (Η Μεταπολίτευση, '74–'75: Στιγμές μιας Μετάβασης)* (Athens: Themelio, 2016), 47–59.

<sup>56</sup> P. Rodakis, ed., *The Junta Torturers Trials (Οι Δίκες των Βασανιστών της Χούντας)*, three volumes (Athens: Demokratikoi Kairoi, 1976). It has been argued that while usually the sentences for torture were relatively light, the officers (not the private soldiers) belonging to the military police received heavier sentences since they had exercised violence against superior officers: Leonidas Kallivretakis, *Dictatorship and Transition (Δικτατορία και Μεταπολίτευση)* (Athens: Themelio, 2017), 242–54 and 278.

<sup>57</sup> *Ta Nea*, 14 Aug. and 9 Sept. 1975; *Rizospastis*, 14 Aug. and 5 Sept. 1975.

<sup>58</sup> Ghikas, 'Summary Report of Activities', KA/51B.

<sup>59</sup> P. Rodakis (ed.), *The Polytechnic Trial: Full Records (Η Δίκη του Πολυτεχνείου: Πλήρη Πρακτικά)* five volumes (Athens: Demokratikoi Kairoi, 1976). See also Alivizatos and Diamandouros, 'Politics and the Judiciary', 46.

<sup>60</sup> Note, 'Lists of Ongoing Trials', and Note, 8 Jan. 1976, PA/52.

<sup>61</sup> Kubisch to State Department, 02383, 12 Mar. 1976, NARA, RG 59, Central Foreign Policy Files, 1973–9/Electronic Telegrams, last visited 2 Feb. 2019.

be more supportive of its line internationally.<sup>62</sup> AI also praised the Greek state for not allowing the torture trials, especially the first one, to become a populist show:

The trial itself received a good measure of both national and international press coverage, and the temptation to turn it into a show trial must have been great. The widespread desire for a public national purge was also fairly apparent. To the credit of all concerned, the trial never degenerated into spectacle.<sup>63</sup>

### Aftermath

Despite appearances, calm had not been restored. In the following years, the far right posed fresh threats against the young democracy. By late 1975 the British and the American embassies held that there was now little chance for a successful military coup, but there always was a possibility that some might try it, or attempt to assassinate the prime minister.<sup>64</sup> The stabilisation of democracy was an ongoing process.

The commutation of the death sentences and the trials of the torturers left large parts of the Greek public dissatisfied, as they wanted harsher sentences against more people. Often in those years, the public debate revolved around the argument that the ‘cleansing’ had not been concluded. Largely reviving this argumentation, a part of recent scholarship criticises the decision to confine the prosecutions mostly to the upper echelons of the junta and points to the limited number of convictions of lower ranking officers, non-commissioned officers and soldiers or members of the security forces; there are even references to the 1974–5 ‘democratisation’, within quotation marks.<sup>65</sup>

Still, in Portugal, another case of a ‘ruptured’ transition (and one with a much more troubled evolution compared to the Greek), similar concerns appeared about the alleged small numbers of people who were put to trial or their relatively light sentences. In the case of the ‘pacted’ transition of Spain, ‘transitional justice’ is currently sought through the mechanisms of memory rather than of penal procedures. In Argentina in the 1980s, the democratic government did not manage to control developments, and (under pressure from the army) suffered the backlash that Greece had avoided; an effective amnesty was granted which was subsequently declared unconstitutional by the supreme court, thus leading to additional prosecutions.<sup>66</sup> But in Argentina the crime was different (disappearance of civilians), and there had been a decision of the supreme court with constitutional force. This could not happen in Greece, where the statute of limitation period had already expired, while the recognition of the competence of the European Court of Human Rights meant that it would be impossible to reopen cases of which the limitation period had lapsed. Moreover, Greek justice in 1975 punished proportionally more people than the states of Eastern Europe after the collapse of communism. For example, in the case of the particularly harsh regime of East Germany, after reunification only 753 people received sentences, and of them only forty-six served them; no sentence was longer than ten years. Even the members or torturers of the Stasi in East Germany were not prosecuted on the grounds that they had carried out orders; only three were jailed, who had been involved in crimes against life.<sup>67</sup> It is

<sup>62</sup> *Torture in Greece: The First Torturers’ Trial, 1975* (London: Amnesty International, 1977), especially the epilogue and Appendix E, presenting AI’s correspondence with the Greek government on its stance in various international fora. On the Greek role in the adoption of the UN ‘Torture Declaration’ see also Sikink, *The Justice Cascade*, 59.

<sup>63</sup> *Torture in Greece*, 60.

<sup>64</sup> Interagency Intelligence Memorandum, ‘Greece under Caramanlis’, 24 Oct. 1975, and Clift to Scowcroft, 1 Oct. 1976, *FRUS*, 1969–76, XXX, 183–93 and 248–9. See also Richards to FCO, 3 Jan. 1976, TNA, FCO 9/2396.

<sup>65</sup> See among others Chloe Howe Haralambous, ‘Making History (Disappear): Greece’s Junta Trials and the Staging of Political Legitimation’, *Journal of Modern Greek Studies*, 35, 2 (2017), 307–37.

<sup>66</sup> See, among many others, Sikink, *The Justice Cascade*, 50–83; Roehrig, *The Prosecution of Former Military Leaders*, 2–3 and 58–74.

<sup>67</sup> For an overview of the judicial processes connected with the Stasi, see G. Herbstritt, ‘Strafverfolgung wegen MfS-Unrechts’, in *MfS-Lexikon*. Available at: <https://www.bstu.de/mfs-lexikon/detail/strafverfolgung-wegen-mfs-unrechts/> (last visited 2 Mar. 2019). See also Sven Felix Kellerhoff, *Learning from History – A Handbook for*

interesting that critics of the Greek transitional justice of 1975 did not criticise the countries of Eastern Europe for an ‘incomplete’ transition for the same reason.

There were some dark offshoots. In December 1976, the far-left terrorist organisation ‘17 November’ assassinated the former police officer Evangelos Mallios, a convicted torturer whose light sentence was not regarded as proportionate with the crimes he had committed. This was the second assassination of that organisation (the first was the murder of the chief of the CIA’s Athens bureau, Richard S. Welch, in December 1975). In 1979, another left-wing terrorist group, ‘June 78’, assassinated a former officer of the urban police, Petros Babalis, who in 1976 had been convicted to two years imprisonment for torture. Violence against torturers was used by these groups in an effort to legitimise the use of political violence, terrorist activity and assassinations. Until its suppression in 2002, ‘17 November’ claimed the lives of many people, including businessmen, press editors, political figures and American and Turkish diplomats, culminating in the year 2000 in the murder of the British military attaché, Brigadier General Stephen Saunders. But this was a different kind of challenge that the Greek Third Republic had to face.

### Conclusions

One of the necessary preconditions in a liberal democracy is the ability to carry out fair trials in due process. As a leading authority has noted: ‘It is this third set of practices about protecting the rights of the accused that most clearly differentiates a human rights trial from political trials or kangaroo trials . . . Legality means to have a fair trial with due process, including protections for the rights of the accused. Trials without due process are not human rights trials.’<sup>68</sup> Greek transitional justice in 1974–5 was solidly based on legal procedure and the rights of the accused. The documents of the officials responsible for the judicial processes point to a constant care to uphold the rule of law and conform to the emerging international standards concerning human rights. There was a clear understanding that the fairness of the procedure was directly connected with the prospects of the young democracy, as well as Greece’s European ambitions. Transitional justice, thus, was not an offshoot, an ‘ornament’ or an ‘optional extra’ of the overall transition. It was considered as one of its crucial components, a test case of immense importance for the momentous endeavour of founding an established, inclusive democracy, knowingly setting an international precedent – although, as has been noted, subsequent cases of trials in Latin America did not follow a ‘Greek pattern’ but sought one of their own.<sup>69</sup>

The internal documents of the Greek government also show that they had set out to make a visible break with their country’s problematic political past. As a leading authority has commented, ‘different pacts at different times served as either road map, warning or inspiration during one of the transitional moments in international history’.<sup>70</sup> The Greek government in 1974–5 managed exactly to prevail upon the country’s past, and thus break with it. Karamanlis was the leader who had ceased the execution of convicted communists in the post-civil war period. In 1975, he was again determined to avoid executions which would create martyrs for the far right: the junta leaders should be allowed ingloriously to fade from memory. In a recent work that describes the junta trials as ‘a forgotten accomplishment’, a leading Greek constitutional expert stresses that the democratic government ‘heavily invested’ in these trials for the success of the transition, and finally attained their aim.<sup>71</sup>

In this endeavour, the government had to walk a fine line. The prosecutions had to proceed in the midst of successive coup attempts or assassination attempts against the prime minister. At the same time, the government did not give in to public pressure and to populist calls for revenge. The republic

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*Examining Dictatorships* (Berlin: Gedenkstätte Berlin-Hohenschönhausen, 2013), 73–6 and 85–8. The author wishes to thank Dr. Stefan Donth for his invaluable assistance in understanding the processes of German transitional justice.

<sup>68</sup> Sikkink, *The Justice Cascade*, 13.

<sup>69</sup> Sikkink, *The Justice Cascade*, 88; Roehrig, *The Prosecution of Former Military Leaders*, 3.

<sup>70</sup> Michael Cox, ‘Learning from History? From Soviet Collapse to the “New” Cold War’, *Cold War History*, 14, 4 (2014), 461–85.

<sup>71</sup> Alivizatos, ‘A Forgotten Accomplishment’.

punished the ‘prime actors’ of the 1967 coup. The government did not want the prosecutions to expand to cover an indefinite number of collaborators (or alleged collaborators) of the junta; in that case, there would be a danger of losing control of the whole process. Karamanlis wanted to avoid witch-hunts which would destroy the climate of moderation which he saw as necessary for the foundation of a stable, Western European democracy. This was a policy that went further than the judicial process itself. It was part of the overall strategy of the transition and a precondition for a greater task, namely, to send clear messages to Greek society about the difficult but necessary mixture of determination, moderation, fairness and respect for procedure that the founding of a new regime demanded. Karamanlis and his associates were remarkably successful in this. As the British ambassador to Greece, the able Sir Brooks Richards, commented, 1975 was for the country ‘a year of exorcism’.<sup>72</sup>

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<sup>72</sup> Richards to Callaghan, 1 Jan. 1976, Greece: Annual Review for 1975, TNA, FCO 9/2395.