The concept of transitional justice has undergone important stages of evolution but it is still surrounded by a lot of uncertainty. It is particularly evident in the context of political transformation in Central and Eastern Europe following the fall of the Berlin Wall. In many ways the European Court of Human Rights is one of the focal points where the understanding and the effects of a transitional justice related thinking are played out and are often, in fact, confronted with human rights standards as developed in the Court’s case law.

When the Council of Europe in the early 1990s decided on the expansion and the new States begun to join the system not much reflection went into the issues relevant for transitional justice in these States. Indeed, in various accession documents there are only a few references that could be seen as part of solutions for the purposes of transitional justice. One such example might be a reference in the obligations imposed upon the Russian Federation upon its accession to the Council of Europe requesting it to solve some historical property disputes with the neighbouring States. Among them were the disputes over the embassy premises of the Baltic States that the Soviet Union took over upon the occupation of these States in 1940. The general approach at the time of the enlargement of the Council of Europe and the accession of Central and Eastern European States to the European Convention on Human Rights was that the key task is the democratization of these societies and the establishment or strengthening of the rule of law for the purposes of democratic transition. It seems that only with certain passage of time the issues came up in a number of States that could properly be seen
as situations within the domain of transitional justice. In other words, for these societies to move forward it was important to address their past and especially to investigate past crimes committed by former totalitarian regimes. However, this turned out not to be a straightforward matter and a number of cases came to the European Court of Human Rights. The difficulties that dealing with past injustices today brings about can be seen in such judgments as *Sidabras and Dziautas v Lithuania* of 27 July 2004 or *Korbely v Hungary* of 19 September 2008, or lustration cases against Poland, and many other cases.

It is a great merit of Dr Inga Švarca’s work that she, while examining the relevant judgments of the Court in relation to Latvia, places her analysis within the broader examination of the Court’s procedure and jurisdiction and rules of interpretation. She confronts the Court’s traditional role with that of the meaning and aims of transitional justice when exploring the concept of transitional justice itself. This methodological choice is proposed, it seems, because traditionally transitional justice discourse addressed mechanisms, such as truth commissions and others, which were likely to bring about justice for the societies in transition. It is an extremely interesting question whether the Court of Human Rights has also come to play that role which, admittedly, it was not originally intended for and, as noted above, even during the enlargement such a possibility was not reflected upon.

Dr Švarca comes to some interesting conclusions in which she proposes what the Court should be conscious about if it were to play a role of a transitional justice mechanism for the societies concerned. These conclusions will certainly be considered controversial among those scholars who have argued a more traditional role for the Court of Human Rights. However, the fact remains that it is a complex and often delicate process for a society to leave the past of human rights violations within specific political contexts behind and to move forward towards a society governed by the rule of law and democracy principles. The Court exercises its jurisdictions over these States in Europe and the question is still valid whether and, if so, how should the
Court incorporate transitional justice principles or thinking when it adjudicates the cases stemming from such circumstances. Dr Švarca’s book will stimulate further reflections on these complex questions.