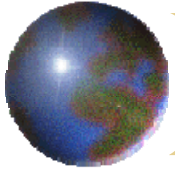


The Role of Archives in Strengthening Democracy

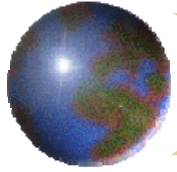
Trudy Huskamp Peterson



Location: Pristina, Kosovo

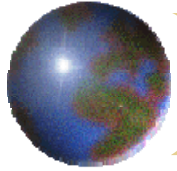
Photographer: Capt Gallagher

Date: 13 June 1999



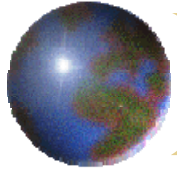
Right to know government information

- Last half 20th century, governments adopted freedom of information laws
- 1993 United Nations Commission on Human Rights appointed Special Rapporteur on right to freedom of opinion and expression



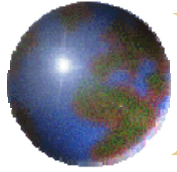
1997 report of Special Rapporteur

- Governments “to fully promote and protect” . . The right “to seek and receive information”
- “Fundamental prerequisite to ensure public participation”



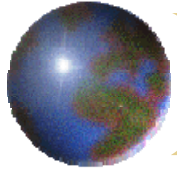
UN Principles against impunity of perpetrators

- Adopted in 1997
- Drafted by Louis Joinet
- Updated in 2005 by Diane Orentlicher



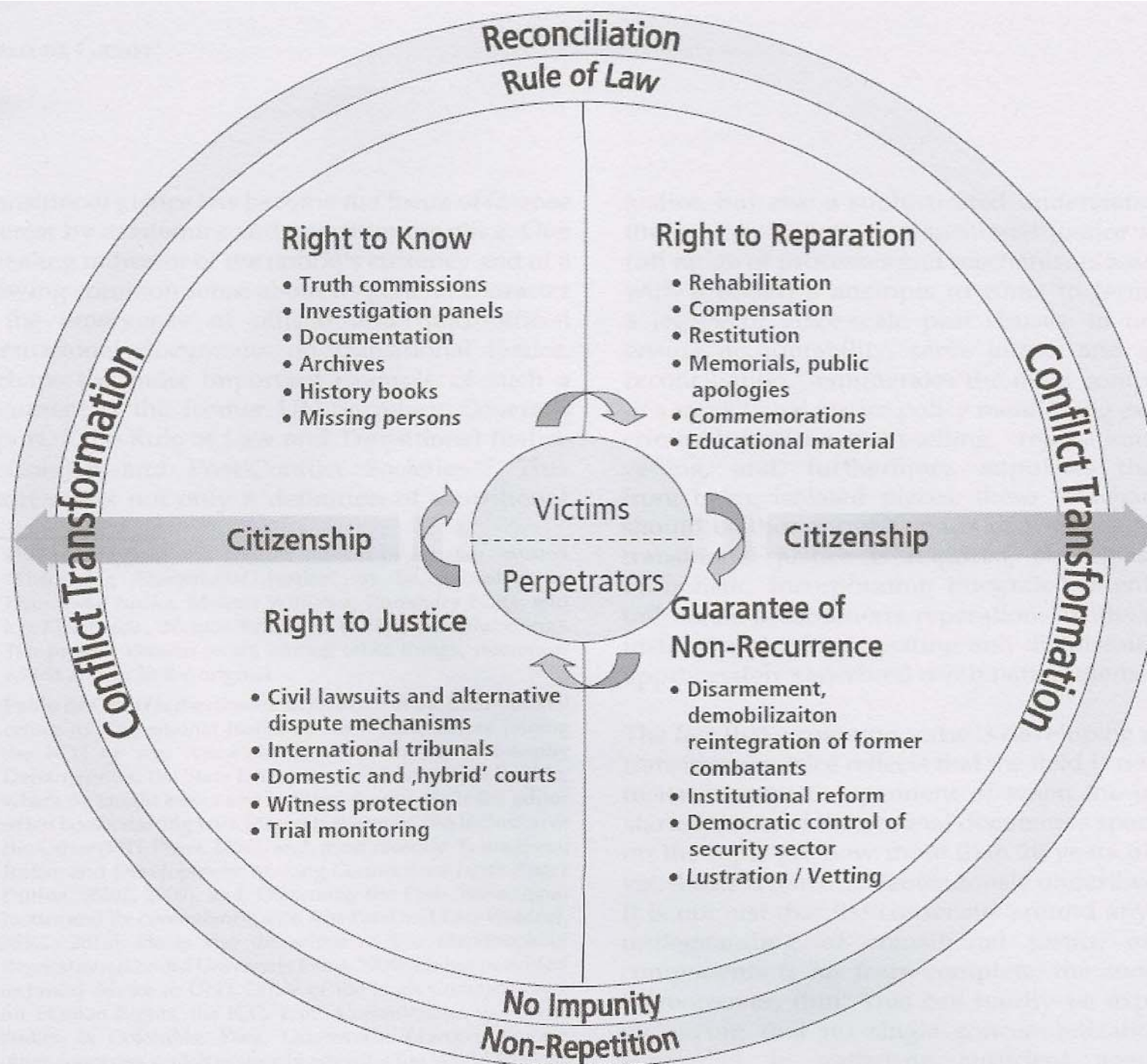
Joint Principles Concerning Archives

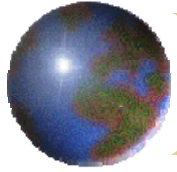
- Right to know (personal and collective)
- Duty to remember (State)
- State to “ensure the preservation of, and access to, archives concerning violations of human rights and humanitarian law.”



International Council on Archives actions

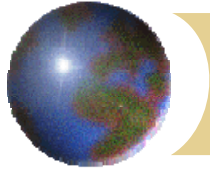
- 1993 CITRA in Mexico City called for advice on handling archives of security services
- 1995 UNESCO-funded study, "Archives of the security services of former repressive regimes"





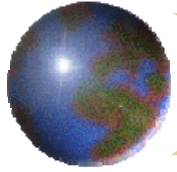
4 Categories of Transitional Justice Rights

- Right to justice—no impunity
- Institutional reform—no recurrence
- Right to know
- Right to reparations



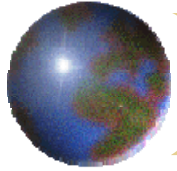
Right to justice—no impunity

- Prosecuting
- Protecting witnesses
- Monitoring trials



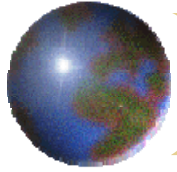
Institutional reform—no recurrence

- Rebuilding government structures
- Vetting public officials



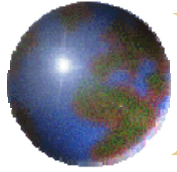
Right to know

- Locating the missing
- Truth telling

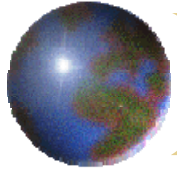


Right to reparations

- Restitution
- Moral and material compensation

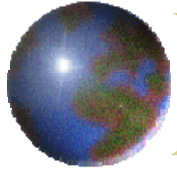


Archivists as duty-bearers for human rights



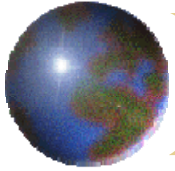
Prosecution and the right to justice





Prosecution and the right to justice

- Prosecution in domestic, “hybrid,” international courts
 - ▣ Need to understand organizational structures
 - ▣ Wide variety of records used
- Court monitoring
 - ▣ Court and police records needed
 - ▣ Investigation of patterns and trends



Institutional reform and the promotion of non-recurrence

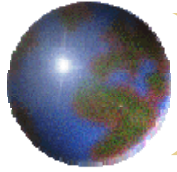


William Kentridge (South African, 1955–)

The General, 1993–1998

Drypoint with hand-coloring on handmade paper
47 ¼ x 31 ½ in.

Museum purchase with funds from Shawn Zeitz and
Emily Gatsby, and the Print and Drawing Study Club, 2001.4
Courtesy of the Marian Goodman Gallery



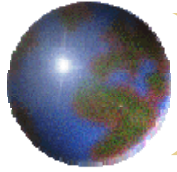
Institutional reform and the promotion of non-recurrence

● Vetting

- Personnel records, police records, court records, others

Truth-seeking and the right to know

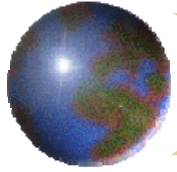




Truth-seeking and the right to know

I. Locating missing persons

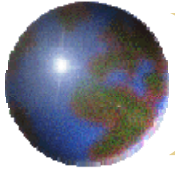
- ❑ Need to understand organizational structures
- ❑ Need to analyze temporality of event
- ❑ Link structures and event to records
- ❑ Medical records to support exhumations



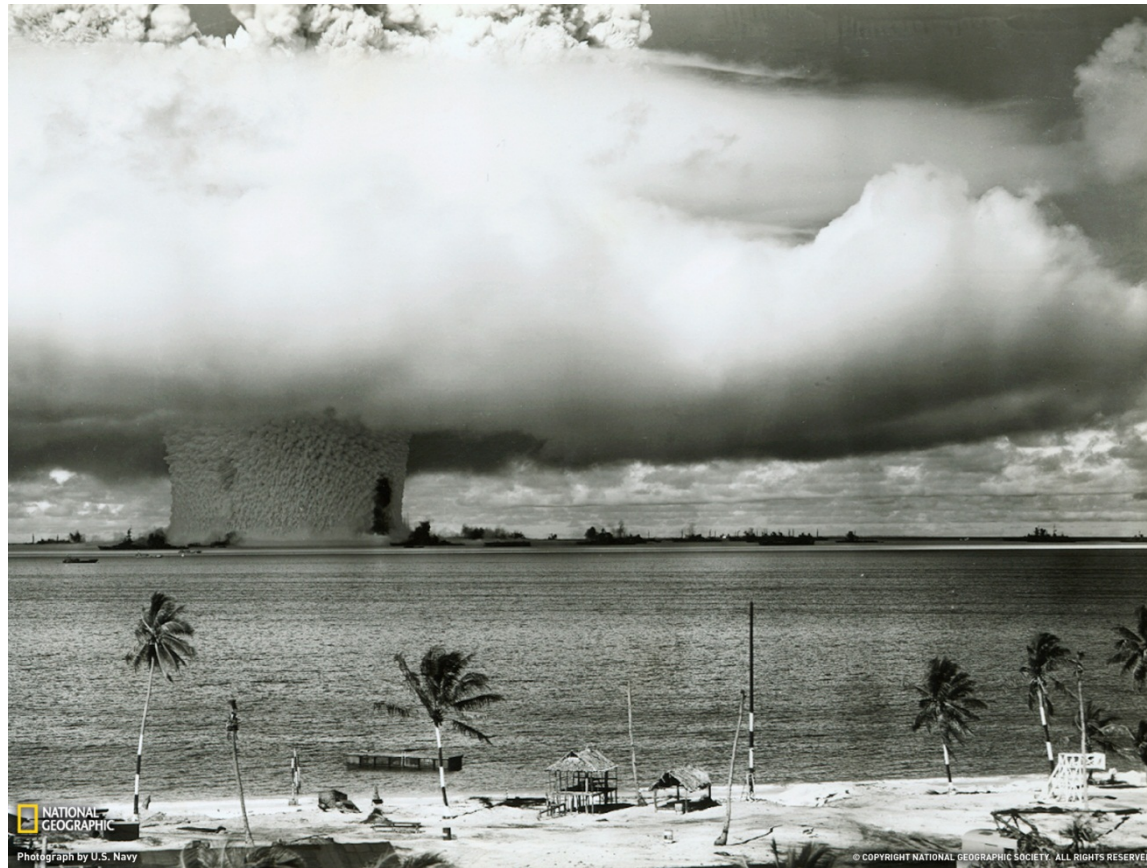
Truth-seeking and the right to know

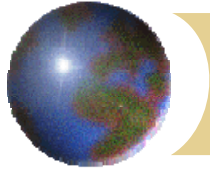
II. Truth commissions

- ▣ Wide use of records
- ▣ Records of any type of institution
- ▣ Records in any format
- ▣ Personal papers



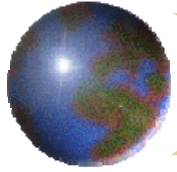
Restitution





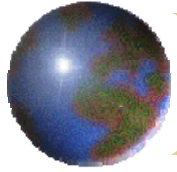
Restitution

- “Restore the victim to the original situation before gross violations”
- Relating to ownership of property: who owned what
- Return of property:
 - ▣ Real property
 - Land records, notarial, cartography
 - ▣ Personal property
 - Many records useful



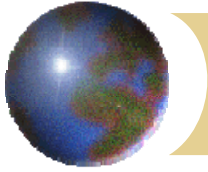
Restitution, continued

- Restore citizenship, right to vote, employment
 - ▣ Birth, death and marriage records
 - ▣ Employment records
 - ▣ Court records



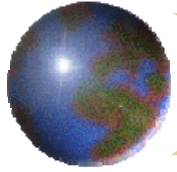
Compensation

- Payment for “economically assessable damage”
- Government records, including security forces
- NGO records
- Employment records



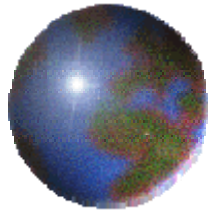
Preserve the records of transitional justice institutions

- State decision
- Maintain as a whole



Archivists as duty-bearers

- Weigh human rights uses when appraising records
- Right to know includes right to know what is in archives
- Access (description and legal authorization) key



“It was necessary to turn the page of history but first we needed to read that page.”

Alex Boraine, South Africa Truth and Reconciliation Commission