ICA
ROMA 2022

ARCHIVES: BRIDGING THE GAP
ARCHIVES: COMBLER LES FOSSES

September 19th-23rd, Italy

Locating Truth
Commissions Records
and Archives

ARCHIVES:
BRIDGING THE GAP

9th Annual Conference of the
International Council on Archives

19-23 September 2022 | Rome, Italy

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Overview of our presentation:

• Notion of transitional justice
• Relevance of archives for transitional justice
• Notion of Truth Commissions
• Examples of locations of Truth Commission Archives
• ICA-SAHR/swisspeace-project
• Further information
Right to the truth: one of the Transitional Justice pillars

The cornerstones of transitional justice and the battle against impunity are four pillars set out in the international standards on human rights:

(a) the State obligation to investigate and prosecute alleged perpetrators of gross violations of human rights and serious violations of international humanitarian law, and to punish those found guilty;
(b) the right to know the truth about past abuses and the fate of disappeared persons;
(c) the right to reparations for victims; and
(d) the State obligation to prevent, the reoccurrence of such atrocities in the future.

Four basic mechanisms are proposed to help attain these goals:
1. Reparations for victims,
2. Trial of criminals,
3. Institutional reform and expurgation of officials who took part in the crimes perpetrated under the old regime,
4. Creation of truth commissions.
Following Pablo De Greiff recommendations (former UN Special Rapporteur on Transitional Justice)

2013 and 2015 reports
De Greiff 2013 report

- Archives – both the commission’s own and general/national archives – are a natural extension of the life and legacy of a truth commission, and permanent in nature. They are instruments for realizing the right to truth.
- The archives of commissions are, to a great extent, composed of victims’ testimonies and statements.
- They:
  - Are a means of guaranteeing that the voices of victims will not be lost they contribute to a culture of memorialization and remembrance.
  - They also provide a safeguard against revisionism and denial can play crucial roles in prosecutions, reparations and other transitional justice measures.

→ These are important reasons for truth commissions to prioritize early thinking on the establishment of their own and national archives by following up-to-date practices.
De Greiff 2015 report (Annex)
Set of general recommendations for truth commissions and archives

Archives are relevant and can make **significant contributions to each of the pillars of transitional justice, not merely truth and justice**. At the same time, **transitional justice measures can contribute to a country’s archival system**... That potential, however, has not been consistently realized. There is little consistency in the disposition of truth commission archives, in the regimes that govern subsequent access to them, and in the recommendations that truth commissions make concerning archival systems.

→ the Special Rapporteur (...) “calls for the development of international standards on archiving for truth commissions”...
De Greiff 2015 report (2)

Truth commissions are encouraged to:

• *Build* provisions for the eventual disposition of their records, guaranteeing both their safety and accessibility, /…/ a commission needs to decide who will be responsible for managing the records, where they will be stored in the short and long term, and how access to them will be controlled. *Engage* archival expertise, /…/ and in this context take advantage of national (National Archives and Archival Associations) and international assistance and advice (e.g. International Council on Archives, Archivists without Borders)

• *Plan* to deposit their archives in the country where the violations occurred and the commission operates, preferably in existing national archives, duly taking into account considerations of the security, integrity and accessibility of the archives. New and specialized archives may need to be created until such time as the national archives are able to adequately handle records of truth commissions.

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• *Stipulate* that the access policy of truth commission archives should maximize public accessibility, while respecting applicable privacy concerns, including in particular assurances of confidentiality provided to victims and other witnesses as a precondition of their testimony

• *Establish* guidelines for access to truth commission records, which shall take into account:
  (a) General access rules, such as what was previously public should remain public
  (b) Categorization of records enabling familiar distinctions between types of documents
  (c) The need for effective mechanisms of reference services
The archival legacy of Truth Commissions

Common alternatives in disposition of the archives:

- Deposited in National Archives,
- Transferred either to ministries or to independent human rights institutions,
- Deposited in follow-up institutions,
- Transferred to the New York United Nations Archives
Argentina

CONADEP
Archivo Nacional de la Memoria
Chilean Commissions

Museo Nacional de la Memoria
Peru

Centro de Información para la Memoria Colectiva y los Derechos Humanos (CIMCDH)
Overview of ICA-SAHR / swisspeace project

Why a project for locating records and archives of Truth Commissions?

- Where are the records located? Are there Archives or other institutions keeping records of the Truth Commissions once finished their task?
- We knew only about the location of a few Truth Commission Archives (out of more than 50 documented Commissions all around the world),

→ We needed a simple information on the location and access conditions of all Truth Commissions records and archives
Phases and outputs of the project

- Collecting information from public sources
- Consulting local experts
- Consulting National Archives
- Asking member of ICA-SAHR
- Asking the archival international community
- Validating information
Beyond TRCs final reports: Records and archives

Un archivo abierto al que se pueda volver para discutir lo que ocurrió y añadir más.
(An open archive to which is possible to return for discussing what happened and add more).

Francisco de Roux, President of Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición, de Colombia
Data collecting: Departing point

Data validation: a call for collaboration

- The key role of local experts
  - Professional issues published on this field
  - Cases exposed in the book Archives and Human Rights
  - Joint letter swisspeace – ICA–SAHR

- The help of National Archivists: Honduras, Ecuador
An open call for collaboration
**Tools for collecting information: the form**

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<th>Your response</th>
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<td>Country / País / Pays</td>
<td>Your response</td>
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<tr>
<td>Established by (law, decree, resolution etc.) / Establecido por (ley, decreto, resolución, etc.) / Establ é par (loi, décret, résolution, etc.)</td>
<td>Your response</td>
</tr>
<tr>
<td>Year of mandate start - Year of mandate end / Año de inicio del mandato - Año de finalización del mandato / Année de début du mandat - Année de fin du mandat</td>
<td>Your response</td>
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<tr>
<td>Final report / informe final / Rapport final</td>
<td>Yes / Sí / Oui</td>
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</table>

**Contact at truth commission archives and/or contact of person in charge of custody of the archives / Contacto en los archivos de la comisión de la verdad y/o contacto de la persona encargada de la custodia de los archivos / Contact aux archives de la commission de vérité et/ou contact de la personne chargée de la garde des archives**

Your response
Storing collected data

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<th>Authorized form of name in original language</th>
<th>Standardized form of name in English</th>
<th>Country</th>
<th>Abbreviation</th>
<th>Start year</th>
<th>End year</th>
<th>Type of entity</th>
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<td>CNV</td>
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<td>2014</td>
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<td>International Commission of Inquiry to &quot;establish the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres and other related serious acts of violence which followed&quot;</td>
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<td>1995</td>
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<td>2009</td>
<td>2015</td>
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</table>
First conclusions

- Truth Commission Archives with confirmed location 25 (of 52 investigated)
- Experts contacted 23
- Help of National Archives
- Help coming from Professional associations
- Other collaborators supplying information
A bigger ambition, mapping “Human Rights archives”, a ICA-SAHR project

A long term goal of ICA-SAHR:

A public **Directory of Institutions holding records of importance for Human Rights** (directory on Archives for Human Rights)

The Truth Commissions archives as a fundamental part of the Directory

The challenge of integrating the simple locator within the directory
Setting data in the Directory on Archives for Human Rights

The project intends to map and locate archives under the custody of organizations in charge of their preservation, and also to map and locate records which are not processed. As a result, the project intends to list the following items:

Organizations which could reasonably be assumed to produce documentation relevant to human rights (Criteria based on their mandates, functions, and core activities in the fields of human rights, peace and security involving the documentation of human rights violations)
- Governmental organizations (Truth and reconciliation mechanisms such as truth and reconciliation commission and missing persons mechanism)
- Non-governmental organizations
- Inter-governmental organizations
- Corporate and business bodies
- Individuals

Archival fonds related to human rights hosted by organizations maintaining and preserving archives.

Organizations maintaining records and preserving archival fonds related to human rights.
Spreading information

A website for the Directory of Archives for Human Rights

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- A public Directory of Institutions holding records of importance for Human Rights (directory on Archives for Human Rights)
- The Truth Commissions archives as a fundamental part of the Directory
- The challenge of integrating the simple locator within the directory
Further information:

- swisspeace work on this project is based on a mandate from the Swiss Federal Department of Foreign Affairs entitled “Archives & Dealing with the Past” (https://www.archives.swisspeace.ch/en/what-we-do/mandate/)

→ If you can provide with more detailed information or if you wish to become a collaborator of the project, please contact us at: sahar.ammar@swisspeace.ch

  Thank you very much