Introduction

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Sources to all features of the history of humanity can be found in the archives. Records reflect multiple aspects of the life of societies and of each individual, from birth to death. In this book, our focus is on records as evidence of massive human rights violations, in particular crimes against humanity.

Painful memories haunt us like ghosts. They come to us from the ESMA torture centre in Buenos Aires, from beyond the silent surface of Rio de la Plata and the depths of the Atlantic and the Pacific Oceans where opponents of military dictatorships in Latin America were dumped from the sky to their deaths and from all over the world where citizens are being persecuted, discriminated against, excluded and killed for what they believe in or simply for who they are. Recently, this is what happened in Cambodia, Rwanda, South Africa and Spain, today the nightmares continue in Myanmar, Syria, Yemen and elsewhere.

Anyone who has watched Claude Lanzman's documentary *Shoah* (1985) will recall how documents apparently as dry as dust, such as train timetables, can serve to reveal the inner core of evil, "*the heart of darkness*". The timetables do this by providing evidence of the transports towards death in Auschwitz and by revealing the mute efficiency of bureaucracy in smoothly implementing as many transports as possible in as little time as possible. The archives show the wheels of inhumanity: the horror.

Marek Halter wrote that memory may be our only living eternity.¹ It is our capacity to deal with these memories that make us who we are. It is not only former repressive regimes, like Argentina, Chile, Germany, Japan, Portugal, Russia and a host of other countries, which face this challenge. Current ones, like China and Saudi Arabia, former colonial regimes, such as Belgium, France and the United Kingdom, and big democracies, like Canada and the United States, without a colonial past but with a track record of abuse of indigenous populations, are also concerned. In short, this is a truly universal phenomenon.

Documents and records may bring repressed memories back to life. While amnesty laws in countries like Argentina and Spain aimed at "turning the page" or sweeping the past under the carpet, recent developments in

these countries and in many others have shown that regardless of how hard you try to push the unpleasant memories into a closet, lock it and throw away the key, they still come back to haunt you. Survivors and families and friends of victims will claim their right to truth and justice. This is why the bodies literally come out of the earth in Spain, when relentless efforts of associations and individuals result in the discovery of documents revealing the whereabouts of mass graves from the Franco years, and this is why the voices of the Grandmothers of the Plaza de Mayo could not be ignored indefinitely.

Coming to terms with its own history is also a way for a society to sustainably build peace. In the UNESCO Yamoussoukro Declaration on a Culture of Peace from 1989,² this was one of the essential insights. In fact, this perception was not really new, because it built upon the Preamble of UNESCO's Constitution from 1945, which stated that any lasting peace must be secured by "the defences of peace in the minds of men". What had changed over the years was mostly the awareness that conflicts and wars happen not merely between states but also within them, between different groups or communities of people. Searching for truth, justice and reconciliation is also a way of searching for peace, both among and within societies.

The painful chapters of the past often involve several countries, and the archival search therefore has to be international. One striking example is Operation Condor, a secret military intelligence operation carried out by six South American dictatorships, supported by the United States, between 1973 and 1980. During that time, between 15,000 and 30,000 opponents were tortured and/or murdered. In 1992, a former political prisoner in Paraguay, Martín Almada, got a tip which enabled him to discover 700,000 documents on Operation Condor, the "Terror Archives", in a run-down police station in the outskirts of Asunción. Later on, the National Security Archives in Washington, DC, obtained the declassification of thousands of CIA files, which also helped in shedding light on this state-organised hunt for left-leaning dissidents in South America and on their tragic fate.³ Archives in all the countries that participated in Operation Condor have provided pieces of the puzzle that can, finally, establish the truth about what happened to the victims – and about the perpetrators as well. In some countries, like Chile and, in particular, Argentina, perpetrators of human rights violations have been brought to justice. Archives have in these cases played a key role in ensuring fair and informed trials.

The 1990s were a decisive decade for the emergence, at the international level, of the principles of the right to the truth, justice and reparation. As we shall see in Part 1, these were the years where the United Nations adopted the Joinet Principles. It was also, in 1998, the period where a Spanish judge, Baltasar Garzón Real, with the help of Scotland Yard arrested the former Chilean dictator, Augusto Pinochet, in London for crimes committed as part of Operation Condor and documented by archival evidence. The symbolic significance of judge Garzón's legal action was tremendous; in multiple

countries, sympathisers and families of victims gathered to express their joy and relief to see a glimmer of hope of justice prevailing in the end. Such is the power of the record.

What we witness during the 1990s and later is also a metamorphosis of the perception of the role of the archivist. While preservation of institutional memories remained essential for the archivist, facilitating access became much more important. What was really new was the idea that archivists could and should play an active role in defending basic human rights, in particular by enabling access to documentation on human rights violations. While archival documents traditionally were mostly considered for their administrative and heritage value, they now, more than before, entered the contemporary political and historical scene. Historical amnesia in educational systems was widely challenged and archives played a crucial role in that process. With the exponential growth of information which accompanies the development of the new information and communication technologies, in particular the Internet, the archives take on an even stronger role. In view of the very mixed trustworthiness of the ocean of available information, the qualities associated with archives – authenticity, verifiability – become crucial. In an era marked by fake news and during which the Oxford Dictionaries (in 2016) declared the term “*post-truth*” to be the international word of the year, such qualities are more sought for than ever. What a transformation of the image of archivists since 1951 when the French National Archivist, Charles Braibant, summarised the common perception of members of the profession as “*passive warehousemen of history*”⁴¹!

This new awareness of the relevance and importance of archives in documenting violations of human rights is also reflected in the International Register of UNESCO’s Memory of the World programme. Between 2003 and 2011, human rights documentation and archives from a number of countries, in particular in Latin America but also Cambodia, the Republic of Korea and South Africa, were included in the Register. These collections included the Archives of Terror, submitted by Paraguay and admitted in 2009. Argentina, Brazil, Chile and the Dominican Republic also ensured admission of human rights archives in the Memory of the World Register during these years. The process reflects the emergence of an awareness of the significance of these archives and memories, not only for the countries directly concerned but for humanity as a whole.

In some situations, political instrumentalisation and conflicting interpretations of tragic and terrible historical events have led to tensions among countries. This is, for example, the case as regards the Nanjing massacre (1937–1938). In Part 2, Chapter 6, Karl Gustafsson analyses this particular aspect of Sino-Japanese relations, which has led to a major crisis for the UNESCO Memory of the World programme. As Gustafsson demonstrates, even in such complicated situations, there are ways forward towards enabling nations and peoples to come to terms with their histories and, here again, archives play a vital role.

A wave of historical documentaries and films on cases of human right violations emerged in the early 21st century. Many of them built on archives or focused on archives as a tool to understand and come to terms with traumatic parts of the past. In Latin America, the wave has been, and still is, particularly strong and intimately connected with the violent, recent past of most of these countries. *La Isla – Archives of a Tragedy* (2009) is one striking example; this documentary tells the story of repression in Guatemala from 1954 to 1996 through the archives of the secret police.⁵ The importance of forensic and archival evidence in fighting against the impunity of senior military officials and intellectual authors of the genocide in Guatemala (more than 200,000 victims) is documented in the film *Granito: How to Nail a Dictator* (2011). *Los archivos del cardenal* (*The Archives of the Cardinal*) is a Chilean television series from 2011, based on the human rights defence work carried out by the Vicariate of Solidarity during the Pinochet dictatorship (1973–1990). Also in Chile, Sebastián Moreno's film *La ciudad de los fotógrafos* (2006) documents an independent movement of photographers in the 1980s, which helped in making people aware of the atrocious crimes committed by the regime.

Some of these films became popular successes with excellent reviews, awards and high audience numbers – for example, *Das Leben der Anderen* (*The Lives of Others*) from 2006, in which the Stasi archives provide their bitter-sweet, ambiguous truths. Rithy Panh's documentary *S21: The Khmer Rouge Death Machine* from 2003 reached a wide audience and made a huge impression. More recently, from 2018, *El Silencio de Otros* (*The Silence of Others*) is a powerful warning against forgetting the victims and the atrocities committed by the Franco regime in Spain.

Documentaries and films about massive violations of human rights also played a significant role much earlier. A particularly significant example is the documentary *The Sorrow and the Pity* (French original title: *Le Chagrin et la Pitié*) from 1969 about the collaboration between the Vichy Government and Nazi Germany during the Second World War, a film that was not shown on French television until 1981, although it had initially been commissioned by a government-run TV station. The documentary was censored because it, as the television director put it, “*destroys myths that the people of France still need*”.⁶

In the literary field, the late 20th and early 21st centuries have witnessed a strongly increased interest in the search for memories of crimes against humanity. A few examples of influential non-fiction works are *The File* by Timothy Garton Ash from 1997, where his consultation of Stasi records enables him to identify and meet the agents and informers who had watched over him, and *The Lost: A Search for Six of Six Million* from 2006 by Daniel Mendelsohn, which is an attempt to reconstruct the lives and deaths of six Jews trapped in a Polish town under Nazi occupation. In the field of fiction, no contemporary writer has probably been more influential when it comes to evoking painful memories than W.G. Sebald, who saw himself as

a “ghost hunter” chasing “*the conspiracy of silence*”.⁷ By way of a hypnotically intense and dense writing style, where every single sign matters, Sebald makes us, his readers, sense the immensity of the loss and horror of the Holocaust, more through oblique images and silences than by direct references.⁸

From the perspective of the editors of this book, the main purpose of efforts to keep – and, in some cases, restore – memory is to serve human rights of individuals and societies. These individuals can be relatives of disappeared, tortured or murdered persons. Getting to know the truth of what actually happened can bring some relief, in spite of the pain associated with confronting these facts and events. Societies need to be aware of the truths of history in order to overcome the horrors of the past and move on. In Latin America and elsewhere, the mantra of many associations of relatives of victims and in defence of human rights has been *Nunca Más*⁹ – “*Never Again*”. This reflects an urge for truth and justice involving, at its core, the fight against impunity. One final outcome may be reconciliation, as part of a process of building just and peaceful societies, but this can only happen on the basis of dealing honestly with the past. The sensitivity and approach are different from the situation in South Africa, where emphasis is on truth and reconciliation. The chapters of this book will show how the interaction between these different elements – truth, justice, fight against impunity, peace, reconciliation – has played out in various societies and cultures and in specific historical contexts.

Confronting memory is a way of making the ghosts disappear and begin building a brighter, more serene future. When Emmanuel Macron in February 2017 (at the time he was still just a French presidential candidate) during a visit in Algeria called colonialism “*barbarian*” and “*a crime against humanity*”, then this was indeed his intended purpose. In the United States, there have been voices addressing the topic of the country’s long-standing support to right-wing military dictatorships in Latin America. President Clinton apologised in 1999 for U.S. support of right-wing governments in Guatemala that killed tens of thousands of rebels and Mayan Indians in a 36-year Civil War. It is worth noting that the apologies were offered on the basis of the report of a truth commission, the Historical Clarification Commission, which confirmed the CIA’s participation in a war that killed more than 200,000 people.¹⁰ Although it must be emphasised that such apologies and recognitions are very often only partial (Clinton’s apology to Guatemala was something of an exception), it is still worth noting that on the subject of the role of the United States in bringing to power and supporting the regime in Chile, Secretary of State, Colin Powell, declared in 2003: “*It is not a part of American history that we are proud of*”.¹¹ This is exactly the point: history cannot be reduced to patriotic celebrations. The healing begins with the acknowledgement that painful chapters are essential parts of history; archives then play a crucial role by providing evidence, thereby enabling scholars and citizens to get closer to the truth.

However, this process is not “a long quiet river” towards truth and justice. The temptation to rewrite history for political purposes is irresistible for governments in some countries. In Poland, the current government is pushing a populist interpretation of contemporary history through the educational system and in museums and other cultural institutions. This means leaving out unpleasant parts, for example, on antisemitism. As *The Guardian* observed with respect to Poland: “Populists treat the past like fast food: they go straight for what’s tasty and comforting for them, leaving aside the bits that might be healthier and more nutritious for all”.¹² Even more telling, perhaps, is the case of Brazil. With the intention of addressing the tough issue of human rights violations during the dictatorship following the military coup in 1964, Brazil proposed, and succeeded in 2011 in obtaining, inclusion of relevant archives in the Register of the Memory of the World.¹³ With the election, in 2018, of the former army captain, Jair Bolsonaro, as President of Brazil, the government works actively to transform the historical narratives of the military dictatorship to that of a glorious period of patriotic anti-communism. One of the climaxes of this revisionist movement was when Bolsonaro decided to organise commemorations to celebrate the 1964 coup. A journalist, whose brother was tortured and killed in custody and whose mother was also killed during the dictatorship, tweeted: “Brazil celebrating the anniversary of the ’64 coup is like Germany instituting Hitler Day”.¹⁴

Similar developments can be seen in other countries, like Hungary, India and Russia. These backlashes for the struggle for the right to truth, and, thereby, for evidence- and archives-based approaches, are reminders that human rights, such as the right to know and the right to justice, are not given once and for all after they have been achieved but have to be defended and constructed again, by every new generation. These political developments also demonstrate that the principles and ideals of the right to history and the right to the truth are universal; all countries are concerned and intertwined. The United Nations play a particularly important role in this context, as the UN High Commissioner for Human Rights, Michelle Bachelet, points out in her Foreword to this book. The writing of history has always been a battlefield, but only archives can ensure that the historical debate can take place on an informed basis.

In addressing the vast topic of this book, we have chosen to include case studies from all regions of the world. The authors come from different horizons and include archivists, lawyers, political scientists and historians. Our goal has been to cover a wide spectrum of questions and discussions, in particular relating to the use of archives in different contexts. Our starting point was the observation that huge and unprecedented amounts of police and security records, left by former repressive regimes, present new challenges in terms of preservation and access. Archives of NGOs constitute in some cases valuable, but also vulnerable, alternative or complementary sources. Truth and reconciliation processes in numerous countries lead to

innovative and significant ways of using archives, including for educational purposes.

We hope the book will prove useful and inspiring for students and scholars of social and human sciences, individuals and associations involved in truth and reconciliation processes and the interested general public.

All authors have been invited to present briefly the historical, political, social and cultural contexts of their case. In particular, we have encouraged descriptions and uses of archives in national judicial processes, for Truth and Reconciliation Commissions and for transitional justice in general. We have also emphasised our interest in political processes (such as vetting), transnational relations, reparations, memory-building, education, research and prevention. The problems encountered with regard to uses of these archives relate to topics such as the political processes, identification, conservation, access, organization, manipulations and falsifications.

Our focus has been on cases from recent history after World War II. The selected cases provide an outlook and understanding, which is very far from being comprehensive in scope. Nevertheless, we believe that the diversity of our selection will enable the reader to get an overview of the types of questions and issues at stake when using archives to document massive human rights violations. If the book can serve as a tool and as an inspiration for future endeavours to use archives in defence of human rights, then we will have achieved our objective.

Notes

- 1 See Halter, Marek. 1995, *La force du bien*. Paris: Editions Robert Laffont, p. 8.
- 2 Yamoussoukro Declaration on Peace in the Minds of Men. 1989. Available at <https://unesdoc.unesco.org/ark:/48223/pf0000090471>.
- 3 On Operation Condor, see: Dinges, John. 2005, *The Condor Years: How Pinochet and His Allies Brought Terrorism to Three Continents*. New York: New Press.
- 4 Braibant, Charles. 1951, "Archivum," *Archivum*, vol. 1, pp. 3–4. See also: Rothschild, Emma. 2008, "The Archives of Universal History," *Journal of World History*, vol. 19, no. 3, pp. 375–401.
- 5 Kirsten Weld tells and discusses the story of the tumultuous existence of these archives in Part 2, Chapter 17.
- 6 Jeffries, Stuart. 2004, "A Nation Shamed," *The Guardian*, 23 January.
- 7 Schwartz, Lynne Sharon, ed. 2007, *The Emergence of Memory: Conversations with W.G. Sebald*. New York: Seven Stories Press.
- 8 W.G. Sebald writes most directly about repressed Holocaust memories in *Austerlitz*, published by Penguin Books in 2001.
- 9 The phrase was originally used as the name for the final report of the Argentine Comisión Nacional sobre la Desaparición de Personas (National Commission on the Disappearance of Persons – CONADEP). Available at www.desaparecidos.org/nuncamas/web/english/library/nevagain/nevagain_000.htm.
- 10 Available at www.nytimes.com/1999/03/11/world/clinton-offers-his-apologies-to-guatemala.html.
- 11 Kornbluh, Peter. 2003, *The Pinochet File: A Declassified Dossier on Atrocity and Accountability*. New York: New Press, p. XI.

- 12 *The Guardian*, 17 September 2019: The populist rewriting of Polish history is a warning to us all.
- 13 Network of information and counter-information on the military regime in Brazil (1964–1985). UNESCO, *Memory of the World: International Register*. Available at <https://en.unesco.org/programme/mow/register>.
- 14 *The Guardian*, 27 March 2019: Fury as Bolsonaro orders Brazil army to mark 55th anniversary of military coup.