Concluding remarks

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The Rohingyas in Myanmar or exiled in Bangladesh, the people of Yemen, the Uighurs in China. . . . The disasters continue, the “¡nunca más!” repeated so often seems like a vain and illusory cry in face of these ongoing crimes against humanity and gross human rights violations. However, resistance is possible against even the most powerful of tyrannies, surprising resistance sometimes, because it seems so vulnerable and fragile in all its simple humanity compared to the forces of dictatorships. The unarmed young student standing in front of the tank at the Tiananmen Square, Mahatma Gandhi marching peacefully, and thereby defying the colonial forces, Rosa Parks remaining at her seat in the “white” part of the segregated bus. . . . In Part 2, Chapter 4 on Chad, Henri Thulliez reminds us of another humble hero, Rose Lokissim, who, from her prison cell, at the risk of her life, tried to let the truth of the torture and disappearings be known outside the dungeons. She paid the highest price, like so many before her. But she and thousands of other unsung heroes also proved that in the end evil can be defeated, perpetrators can be brought to justice and truth can prevail. In order to make this happen, records and archives are crucial and indispensable.

In *Archives and Human Rights*, we have discussed how records and archives can be used to document gross violations of human rights. We have done this both by way of a general overview and through 17 essays or case studies, covering situations in different parts of the world. We make no claim to have been comprehensive; every single country has one or multiple cases that could be discussed. However, as we wrote in the Introduction, if the examples presented here can inspire or inform efforts towards documenting human rights violations, then our objective has been achieved.

Among the lessons learnt from the case studies, we would like to highlight a few. First, that the trend towards international justice which was launched by the Nuremberg and Tokyo trials, and gained speed after the creation of the international tribunals for the former Yugoslavia (1993) and Rwanda (1994), far from being an irreversible development must be fought for again and again. Setbacks in countries like Brazil and Guatemala demonstrate this, as does the adamant opposition of the U.S. administration during the Trump presidency to the very notion of international justice. As recently as

July 2020, the Russian Constitution was changed so that national legislation from now on will take precedence over international legislation; this represents yet another setback for international law.

At the same time, “sovereign immunity has eroded”, as Trudy Huskamp Peterson notes in Part 2, Chapter 1, and the fight for the truth, justice and reparation in one country has often inspired human rights activists in other countries. Well-known cases are the South African Truth and Reconciliation Commission, the overturning of the amnesty laws in Argentina and the arrest of Pinochet in London by a Spanish judge in 1998. Vincent de Wilde d’Estmael in Part 2, Chapter 7 observes that the Cambodian example has inspired “the recent establishment by the United Nations of two impartial and independent mechanisms to collect, preserve and analyse evidence of the crimes committed in Syria and Myanmar”.

This Cambodian example also demonstrates that transnational inspiration can lead to initiatives which have a proactive dimension. Gathering information, collecting records and building cases against perpetrators and for victims and their families, while the crimes are still going on, are essential activities in support of truth and justice. NGOs are indispensable partners in this effort, as is already the case in Syria. Reflecting and taking action on how such initiatives can best be initiated and encouraged are important challenges for individuals and organizations working for human rights. They are not new because some human rights organizations and many courageous individuals already do this kind of work; but the international community could take a systematic approach in favour of proactive activities, while taking into account existing practices and experiences.

A further lesson is the increased need for interdisciplinary cooperation in the work documenting gross human rights violations. Archivists play an essential role but cannot work alone; they need to join forces with other professionals, such as legal experts, forensic archaeologists, audio/sound and film experts, museum professionals, historians, political scientists, IT specialists and many others. The role of education (highlighted in the Tunisian and Cambodian case studies) is essential when it comes to using the archives in meaningful ways. Maybe the future generations should all be educated as historians! A critical understanding of the past and how to assess it (in particular by using archives) should be an integrated part of curriculum textbooks.

Although oral testimonies are precious, memory is fallible, and it is essential for the courts to be able to question witnesses, civil parties and experts on the basis of objective facts and precise dates as they appear in the records.

One striking conclusion of the case studies in this book is the huge variety of archival sources and categories that can serve to document human rights violations. Trudy Huskamp Peterson in Part 2, Chapter 1 provides a textbook example of this by methodically listing types of archives that can be used to document claims for compensation and reparation. Nevertheless, some archival *fonds* are little consulted in spite of their relevance and

potential value. We are, in particular, thinking of archives of businesses, first of all multinational businesses. The deep involvement of ITT (International Telephone and Telegraph) with the CIA in preparing the 1973-coup against Allende in Chile, and of the United Fruit Company in Latin America over decades also mean that their archives could be relevant for studies of human rights violations. The cobalt wars in Congo and the use of private military and police forces in Iraq and elsewhere, provided by companies like Blackwater Security (now Academi), are other scenarios where business records could prove very helpful in documenting violations of human rights. As mentioned in Part 1 of this book (*Archives and Human Rights: A Close Relationship*), the *UN Guiding Principles on Business and Human Rights* (2011) do not mention the need to preserve records and archives, although businesses, in view of their track records, should not be ignored when it comes to fighting impunity and preventing abuse.

Archives and records on colonial crimes could have been studied in much more depth in the book. The case of France and Algeria is the topic of Part 2, Chapter 11 by Gilles Manceron and Gilles Morin, but there are other obvious cases after World War II, such as the United Kingdom and the Mau Mau movement in Kenya, which we encourage interested scholars to look further into from an archival perspective.

Looking ahead, use of archives and records can, in many different situations, help in promoting the Joinet Principles against impunity through the Right to Know, the Right to Justice and the Right to Reparation – with the ultimate goal of preventing repetitions – to become reality around the world. As Kirsten Weld in Part 2, Chapter 17 writes in her study of Guatemala, the work by archivists and others can “*transform this archive of terror into an archive of justice*”. The scope of the challenge before us is vertiginous; just think of the need for China to become transparent about the millions of victims of the Cultural Revolution and other crimes and tragedies in recent history. All countries are facing challenges when it comes to dealing with painful chapters of the past. Amnesia is no solution. We believe that the studies in this book demonstrate that using records and archives in support of truth and justice can and will help in building sustainable and peaceful societies.