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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Office of the United Nations High Commissioner for Human Rights on the seminar on experiences of archives as a means to guarantee the right to the truth

Summary

In its resolution 12/12, the Human Rights Council invited the Office of the United Nations High Commissioner for Human Rights to convene a seminar on the importance of archives as a means to guarantee the right to the truth and to report on the outcome of the seminar to the Council at its seventeenth session. The seminar took place on 24 and 25 February 2011, and the present report is submitted in accordance with the Council's request.

The discussion during the seminar was focused around four themes: (a) the preservation of archives and the right to the truth; (b) using archives in criminal accountability processes; (c) using archives in non-judicial truth seeking processes; and (d) the placement of archives of repressive rule.

The report outlines the importance of archives to the ability of victims to realize their right to the truth, to judicial accountability and non-judicial truth-seeking processes, and for reparations. It records the views of participants regarding the duties of States to protect and preserve information concerning human rights violations, including that from truth commissions, courts and tribunals, NGOs, and regional and intergovernmental organizations, and the obligations on States to ensure the preservation of archives and to enact laws to govern the management and access to archives. The report further notes possible initiatives for the preservation and management of archives during transitional periods.

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I. Introduction

1. On 24 to 25 February 2011, a seminar on experiences of archives as a means to guarantee the right to the truth was held pursuant to Human Rights Council resolution 12/12 on the right to the truth, in which the Council invited the Office of the United Nations High Commissioner for Human Rights to “convene... a seminar, taking into account different experiences on the importance of the creation, organization and management of public systems of archives as a means to guarantee the right to the truth, with a view to study the need for guidelines on this issue” and to “report on the outcome of the consultation” to the Council at its seventeenth session.
2. The seminar brought together national experts from relevant fields and from various countries, including human rights experts and professional archivists with expertise in the management of archives of former repressive regimes (see the annex to the present document for the list of experts and practitioners participating in the seminar).
3. The objective of the seminar was to map and assess national experiences with regard to the creation, organization and management of archives as a means to guarantee the right to the truth. In line with the Updated Set of principles for the protection and promotion of human rights through action to combat impunity (Updated principles), the debate and exchange of views among the experts and practitioners was framed around four themes: the preservation of archives and the right to the truth, the use of archives in criminal accountability processes, the use of archives in non-judicial truth-seeking mechanisms, and the placement and management of archives of repressive regimes.

II. General considerations on archives and the right to the truth

4. Historically, the right to the truth was linked to cases of missing and disappeared persons. This right has been steadily evolving and has extended to other gross violations of human rights such as extrajudicial executions and torture. Several international treaties and instruments and national laws, as well as national, regional and international jurisprudence and numerous resolutions of intergovernmental bodies at the universal and regional levels, recognize the right to the truth about gross violations of human rights and serious violations of international humanitarian law.
5. States use a variety of approaches to address past large-scale violations of international human rights law and international humanitarian law. These include prosecutions of perpetrators, institutional reforms to reduce the possibility that repression will recur, truth-seeking activities such as truth commissions and exhumation projects, and reparations initiatives. Every one of these mechanisms relies on archives. Archives are crucial to the exercise of individual rights such as the rehabilitation of people convicted on political grounds, the right of families to know where their missing relatives are, and the right of political prisoners to amnesty. Archives also enable every nation to exercise its right to an undistorted written record, and the right of each people to know the truth about its past.
6. There is increasing recognition of the central role played by archives in combating impunity for past violations and in guaranteeing the right to the truth. The Updated principles underline that archives are an important guarantee of the right to know and require States to “ensure the preservation of, and access to, archives concerning violations of human rights and humanitarian law” (principle 5). The seminar provided a forum in which selected national experiences could be assessed with regard to the importance of the

creation, organization and management of archives as a means to guarantee the right to the truth.

7. As an introduction to the discussion, it was noted that both governmental and non-governmental archives are relevant to the right to truth, the right to justice, the right to reparations, and guarantees of non-recurrence, as provided for in the Updated principles. Governments emerging from a period of repression often have an archival deficit. There may be acceptable laws on archives but no means of enforcing them and an archival institution may have no power and no knowledge of or experience with international standard practices. However, the records of the repressive regimes require strong professional management.

III. Preservation of and access to archives for the right to the truth

8. The seminar participants discussed the importance and challenges of the preservation of and access to archives, referring first to initiatives undertaken by the International Council on Archives (ICA) that have been carried out since 1993, including the publication of an ICA/United Nations Educational, Scientific and Cultural Organization (UNESCO) report on the management of the archives of security services of former repressive regimes. Both the Updated principles and the ICA/UNESCO report demand that States adopt measures for the preservation of archives that contain information important for human rights. In various countries of Eastern Europe, the records of the State security services were utilized for the purposes of lustration. Records should not be destroyed or updated until such a time after the end of the repressive regime when their importance can be reviewed in accordance with archival principles.

9. Regarding who will preserve the records during a transitional period, the Updated principles state that in a transition, measures should be taken to place each archive centre under the responsibility of a specially designated office (principle 18). In countries where national archives are weak or the public does not have confidence in them, it may be necessary to establish transitional records centres, where the entire archives of a repressive entity are preserved and there is accountability for the continuous chain of custody of those archives. However, the permanent solution should be custody by the national archives. In Guatemala, for example, the police archives are in the custody of a special archival unit that reports to the national archives. In the initial transition phase there is relatively high capacity for mobilization of political and financial resources for the transitional archives centres, but over time there can be loss of support. In addition, if the transitional centres are not professionally managed by archivists, the chain of custody of the records can be lost and this can lead to the loss of acceptability of the records as evidence by courts and the loss of credibility in the eyes of the public.

10. During a State's transition process, rules on access to archives must be clarified. Archives play an important role in the prosecution of perpetrators, and both prosecutors and human rights defenders must have access to them. Archives were used in Argentina, Guatemala and Spain for prosecutions, while in Chile and other countries archives were important for truth commissions. Access is also needed for persons seeking rehabilitation. In Latvia, for example, information in the national archives was used to restore the names and personal information on large numbers of people. However, legislation and regulations to facilitate access to archives are lacking or inadequate in many countries.

11. States need access to archives in other countries to prosecute human rights violators. A non-governmental organization (NGO) in the United States of America has used the federal Freedom of Information Act to obtain copies of records for truth commissions in El

Salvador, Guatemala and Peru and for prosecutions in Chile, Peru, and Spain. To enable the use of these records, the archives must be protected in third countries, the existence of the archives must be known, and inventories of the archives must exist. Institutions in Argentina, Chile and Uruguay are developing inventories of documents important for human rights. The increasing use of the Internet is also helping people to become aware of archives and use them in an optimum way.

12. The seminar participants, in that respect, discussed the issue of gaining access to information. It was noted with regard, in particular, to military and police records, that the existence of freedom of information laws does not guarantee access to such records. One solution suggested was, for example, the use of a group of experts to create an inventory of what records exist. It was also suggested that a court could appoint a “special master” to examine records to determine what exists and to create basic finding aids.

13. The fragility of the processes of preservation and access to archives in post-conflict States was also mentioned. In some Latin American countries a change of Government has resulted in problems with access to archives. In Guatemala, civil society needs to support an institutional process for access to police and military records that will persist even if the Government changes. There are also challenges in that country associated with the process of declassifying military records, which is being undertaken by a committee of Peace Archives staff members, civilians and armed forces personnel. The military selected only 11,000 documents for review by the committee.

14. Concerning the appropriate time period after which Government records should be declassified and available, it was noted, as an example, that the European Commission recommends a 30-year period as the maximum for keeping records classified. While there should be a clear date for declassification, one standard cannot be applied to all countries. For example, in transitional situations, it is important to access records of the past regime very rapidly, particularly if they document any type of human rights violation.

15. With regard to non-governmental records that must be preserved, those of NGOs, political parties directly linked to repressive regimes, and persons and groups who were in exile were emphasized. The records of regional and international intergovernmental organizations which have become particularly important in the post-World War II period deserve the same attention and were identified as records that must also be preserved.

16. One suggestion was made regarding the establishment of an international database of documents important for human rights prosecutions which could be created and made available to prosecutors, with a clear recognition of the complexity of inter-State use of documents due to the use of different rules of evidence in different States.

17. With regard to the issue of the protection of archives through transfer to third countries, it was suggested that there is a possibility of placing records in an institution that is not affiliated with the State or with an international institution if there is a lack of public confidence in State archives. One example is that of Chile, where private archives are centralized in the documentation centre. Other examples are the records of the Guatemala and El Salvador truth commissions housed in the United Nations archives in New York pursuant to agreements with the Governments. Internationally, there is a continuing need to find a space to safeguard archives in two situations: first, when a conflict is taking place or appears imminent, and records may be destroyed; second, where records will likely be destroyed by environmental problems, such as mould, vermin or natural disasters.

18. In relation to the question about the reliability of the information in archives, particularly those of the police, and the due process guarantees for the persons named in them, such as during lustration processes, a distinction between the authenticity of a document and the veracity of a document has to be made, given that State security services documents are filled with information that could be false, but they are authentic documents.

The files relating to security services personnel need to be verified, and, in the context of lustration, judges should verify the records. The Updated principles provide, in that regard, that a person who believes that the archives include false information about him or her must be able to challenge the validity of this information, and a corrective statement must be preserved by the archives and made available any time the original file is used (principle 17).

19. The issue of ethics training for archives staff was also raised by the experts. It was stated that during a transitional process, ethics training for archives staff might be required to ensure preservation and access. Archives often inherit staff members who are used to a different context for their work and who will need to look at archival processes in a new way, taking into account the need to protect records relating to human rights violations and to serve the public. In that regard, guidelines for private entities with an interest in archives and who do not usually know how to handle them professionally would be helpful to ensure the protection of and access to archives during transitions.

IV. Using archives to hold perpetrators accountable through criminal prosecutions

20. The use of archives for prosecutions of persons allegedly responsible for human rights violations was one of the themes discussed during the seminar. A relevant example from Guatemala was presented regarding the functioning of the General Archives of Central America, the Historic Archives of the National Police and the Peace Archives, which cooperate to support prosecutions. The Historic Archives of the National Police (established in 2005) has made digital copies of more than 11.5 million records. In a recent successful prosecution of a case of enforced disappearance, the prosecutor used more than 600 documents from those archives. The Peace Archives (established in 2008) is making digital copies of documents related to the armed conflict that it obtains from various Government organizations and that can be made public. The police archives, the Peace Archives and the public prosecutor are discussing a formal agreement on the process of access to the archives.

21. Examples of the use of archives in the former Yugoslavia were also discussed, drawn in particular from the work of the International Criminal Tribunal for the Former Yugoslavia which, for instance, obtained documents from Serbian institutions for use as evidence. Now the Tribunal records form important archives on human rights violations, and the items that have been used in public prosecutions are available through the Tribunal's Internet site. A second example was drawn from the Humanitarian Law Centre, which has taken over 10,000 witness statements, and scanned them as well as an additional 20,000 documents and photos, all of which are now in a searchable database.

22. It was stated that preserving the archives of the International Criminal Tribunal for the Former Yugoslavia and ensuring that they were accessible throughout the region of the former Yugoslavia was a key component of the Tribunal's legacy strategy. A number of steps have been already taken to make the judicial records accessible, including the establishment of an outreach office; the creation of a public website, the Court Records database and the Appeals Chamber Case Law Research Tool; translations of material into Bosnian/Croatian/Serbian and Albanian; the creation of digital copies of audio-visual records of proceedings; and an amendment of a procedural rule to allow regional prosecutors to petition for access to information at the Tribunal. The Tribunal trains persons in using Tribunal documents. Following Security Council resolution 1966 (2010), the Tribunal developed the Information Centre Project aimed at ensuring the future security of and access to the Tribunal's records, and it is consulting with countries of the former Yugoslavia on the possible establishment of information centres in the region.

23. The participants discussed access to records by defence counsel. Military and police defendants might have access to military and security files, several participants reported.

24. Another relevant example from the Argentinean NGO Memoria Abierta was shared, with respect to documenting human rights violations for use in criminal processes, including taking oral testimony from survivors and using blueprints of destroyed buildings, witness statements, and reconstructions based on memory to demonstrate that buildings used as secret detention centres did exist, even if now demolished. Memoria Abierta assists attorneys in using its database and the archives.

25. The participants discussed the challenges associated with using military or police archives to achieve accountability. One of the challenges identified in the seminar was the access to documents from security forces, even in a democratic State. While there might be justified restrictions on access to information, in some instances access was restricted because of the improper classification of acts as criminal. It was equally stated that when access was not granted, other sources could be used for prosecutions, such as military hospital documents and pension fund records, for example.

26. Regarding what should constitute a good archives law, the ICA model law was suggested as containing relevant elements that should be included.

27. On the use of archives in vetting processes, the example of the 1992 Ad Hoc Commission in El Salvador was presented. This Commission had a mandate to review all officials of the armed forces in relation to their involvement in violations and their commitment to peace. Another example was drawn from the law governing the Ministry for State Security (Stasi) archives, which specifies that agents or collaborators can access their own file in order to give them a chance to respond. This is particularly important when the names of agents or collaborators are disclosed because of the possibility that the collaboration took place under torture or coercion.

V. Using archives in non-judicial truth-seeking mechanisms

28. Challenges associated with the use and preservation of the archives of the truth commission in Timor-Leste were presented. There were no archives in Timor-Leste when the commission started its work. It also faced technical issues, such as lack of equipment, inadequate climate control, and power failures that led to the loss of databases. The political instability in 2006 illustrated the need for security. The Parliament is considering establishing an institute of memory, which would include the records of the truth commission and its follow-up activities. A number of other archival initiatives have been launched, and 11 State and NGO archives now exist. Documents relating to human rights violations in 1999 are held by both the Prosecutor in Timor-Leste and the United Nations, and evidence collected by the Timor-Leste/Indonesia Truth and Friendship Commission is held in the Timor-Leste consulate in Bali, Indonesia. A number of suggestions on how to address the challenges facing archives in Timor-Leste were made, including promoting the importance of archives, coordinating work between existing archives, training, and developing legislation on archives. Additionally, the development of archives should be part of the agenda of United Nations field operations.

29. With regard to the work of the National Commission on Truth and Reconciliation, the National Commission on Political Imprisonment and Torture and reparations initiatives in Chile, it was noted that the archives established by human rights groups during the dictatorship formed the primary documentation available to the truth and reconciliation commission. The National Commission on Political Imprisonment and Torture was not given access to the records of the previous commissions. In 2007, Chile created the Museum of Memory and Human Rights to preserve the heritage of human rights bodies and

to disseminate information to combat impunity. When materials are donated, the museum agrees with the donors on the conditions of access; most donors agree to make the materials available to the public. The museum also has a digital library, a database for the archives, and a reference service for the public. The museum is interested in obtaining information from other countries, such as Paraguay and Argentina, with closely linked histories.

30. Examples regarding public access to the records of the Truth and Reconciliation Commission in South Africa were also shared. When the South African truth commission was planned, there was little understanding of the role and value of archives. This has had a major effect on the subsequent problems with archiving the Commission's records. The temporal, geographical and material scope of the Commission's archives is limited, reflecting the narrow scope of the Commission's mandate and its focus on individuals rather than institutions. The large-scale destruction of records by the apartheid State also limited the Commission's work. The Commission has recommended that an independent research team undertake a comprehensive analysis of the remaining records of the intelligence service, but this has not occurred. The Commission's own records suffered losses due to inadequate internal controls, particularly over electronic records, the requirement to return some State documents to the originating agencies, and the inappropriate designation of some records as personal property. The national archives hold the Commission's records. Access is possible only through the use of the country's freedom of information legislation, often a difficult and expensive process. Review and release to the public of the documents in the Commission's archives involves various Government departments.

31. The South African History Archive and the University of the Witwatersrand have undertaken initiatives to promote access to the Commission's records. A number of factors that should be taken into account in managing the Commission's records were emphasized, such as the human and financial resources available, the archival expertise required, the importance of NGO records and the role of the records of private bodies in documenting human rights violations, the complexities in dealing with State archives in the conflict and post-conflict context, and the importance of recognizing educational, linguistic and technological inequalities in accessing and using archives.

32. With regard to the issue of holding the records of truth commissions in an institution outside the national archives during transition, it was stated that, for example, the follow-on body to the Timor-Leste commission was not confident that, in the absence of specific legislation, the national archives would be able to handle the records of the truth commission. In Chile it had been necessary to house documents from individuals and NGOs in the Museum of Memory and Human Rights, a separate entity with a mandate to ensure access to the public and cooperate with the national archives, because the public needed to trust the way their documents will be used and made public.

33. In Argentina, the records of the truth commission were ultimately transferred to the new secretariat for human rights that manages a national archive for memory. Access to the archives requires a showing of "legitimate interest". This requirement for legal interest also applies to access to records in the Serbian court archives; one must demonstrate that one has a legal interest in the requested documentation. This situation calls for a clear definition of what is a legitimate legal interest.

34. On a question about whether commissions were able to access records of private entities, such as NGOs and churches, it was stated that in Chile the information compiled by the Catholic church had been used by the reparations commission. In South Africa a number of NGOs and churches had made their archives available to the truth commission.

35. With regard to the question about how public policy is developed on preserving the memory of historic events, the experience of countries in preserving and recording historic

memory, and how States get cooperation to preserve that memory, the example of the Council of Europe's important recommendations addressing education and guidelines to prevent historical revisionism was highlighted.

36. The importance for truth commissions to have access to archives in other countries was also highlighted. A special problem with records in other countries is that the families of missing persons and other individuals affected do not know where the archives are located and thus from whom to request access. The same applies to Timor-Leste with the records located in Indonesia, and the connected issues of cooperation between the truth commission and the Indonesian military authorities. There have also been difficulties in obtaining documents from elsewhere outside Timor-Leste.

37. It was observed that media archives, especially those of State media, are important to truth-seeking and judicial processes, but that it is important to be aware that for various reasons, access to this material is difficult and using it requires specialized staff, which a commission may lack.

38. Turning to the question of the use of archives in reparations programmes, it was noted that in Chile there was no separate procedure that used archives to prove that reparations were justified. According to the law on reparations, if a person's name was included in the list of victims in the truth commission report, the person was eligible for reparations. With regard to Spain, standards were established in 1979 for reparations and there was extensive use of public archives. For example, reparation for a political prisoner was based on the time spent in prison, so prison records were useful. Other sources were also used, such as the records of the Court of Accounts, which documented the expenditures on political prisoners in detention.

39. In Guatemala's reparations programme, the truth commission report is important to validate a claim, as are city hall and municipal registers that provide birth and residence information. Victims may now also get information from police or other archives to support their reparations claim, and these archives are also accessible by families who need information to prove that a disappeared person did exist. In Timor-Leste the truth commission did not classify victims, so the proposed law on reparations provides for a registration programme that, because of lack of records, will have to depend on statements by local government officials and NGOs to verify a claim.

40. Attention was called to the importance of archives to memorialization efforts. Archives, especially legal documents and testimony and the reports of the truth commissions, enable, for example, the identification of certain places of torture and their cultural and historical importance. In Chile, for instance, there are approximately 200 memorials regarding such places, and the Museum of Memory and Human Rights has compiled testimony and background documentation on them for the purpose of raising awareness.

VI. Placement of archives of repressive rule

41. With regard to the requirements of an archival system, the experts argued that whether permanent or temporary legislation is enacted, the archival system that is established must be based on national legislation and international standards and must have the necessary human and technical resources. The rule of law requires a good administrative policy that will ensure appropriate management and proper protection of both public and private documents, and access to those documents. A central archives administration must manage government records from the moment they come into being until they are either destroyed or preserved indefinitely. The central archives administration may report to the Head of Government or to a ministry or another appropriate governmental

entity. It will need sub-units to develop plans, both administrative and archival. The archives administration also requires advisory bodies that include representatives from a broad range of civil society organizations.

42. The archival systems must establish where the records will be kept and for how long. When they are created, the records need to be easily available. The archives may later be moved to an intermediate archives, where the records are available to the originating office if needed. Later still, they can be moved to the central historical archives. This flow of records and information must be logical and understandable to both government and the public. The length of time that the records will remain at each stage and whether at the end they will be retained or destroyed also needs to be clearly set out by the governing policy or by a body established to make such decisions.

43. Despite the need of an inventory of public and private archives, private archives, experts said, may be outside the scope of the national archives law; private owners of important parts of the national heritage should be required by law to preserve and maintain their materials, which would include not exporting them without permission. It is important to have clear guidelines and a designated unit or person responsible for oversight.

44. An overview to archives and the right to truth in Argentina was presented in that regard. There has been major progress in Argentina, including in locating archives that have helped bring perpetrators to trial. These archives now form part of the nation's memory. In cases of gross violations of human rights, the State must actively seek the truth about the past.

45. The records of the truth commission in Argentina are now part of the national archives of historical memory managed by the human rights secretariat. The State has made good use of archives in investigations of disappeared persons. For example, the partial archives of the fingerprint files of the Buenos Aires Police was used to help identify bodies and verify that these people had been victims of death squads. In 2010, the State adopted access rules for information held by the Ministry of Foreign Affairs, and efforts are being made to find information in the records of Argentina's embassies abroad. The Public Prosecutor's Office signed an agreement with the Ministry of Defence allowing the Public Prosecutor to look at all archives that could be useful in prosecuting human rights violations.

46. Memoria Abierta holds its own archives, archives from other NGOs and private materials donated to it or copies thereof. In addition, archives of human rights organizations were built during the dictatorship, and they offer two particularly important kinds of information: documentation of habeas corpus appeals made by families about disappeared relatives and letters given to families in response to their claims. Memoria Abierta also creates documentation through oral interviews, of which 700 have been completed and made available online. It created an inventory of archives in Argentina in 2004, which has expanded to cover 45 archives in six countries. It is publicly accessible and searchable on the Memoria Abierta website. The website also has a body of documents that are easily accessible for prosecutors, including copies of documents from the trials of military leaders.

47. The seminar participants discussed the challenges associated with obtaining access to the records of the military. According to the experts, such access is important both in relation to human rights violations but also for the revision of the country's history. An example of the establishment of military archives outside the national archives system, but based on similar archival principles, was presented. The military archivists are civilians but the director is a military officer, who can overrule the professional judgments of the staff. A number of problems have arisen with specific access requests, and there is no timeline for the declassification of military records. Views were expressed that military archives needed

to be included in the general archival policy of the State, under the same rules as the civilian archives.

48. In terms of what would be the components of a public policy that would guarantee control, access, oversight and preservation of archives, experts at the seminar said that that issue could not be in the hands of just one public entity because archival services could not secure enough government funds for a large central public archives. Instead a national system of archives should be established. The ICA draft statement of principles of access to archives was mentioned in that regard. The statement of principles covers access to government and NGO records and personal papers in archives. One principle in the draft states that there is a right of access to archives for human rights research even if the archives are closed for other research purposes.

VII. Concluding observations

49. **Archives contain essential evidence for criminal accountability and non-judicial truth-seeking processes. This evidence is found in the archives of both governmental and non-governmental institutions and in all physical formats, from paper to audiovisual and digital. The Updated Set of principles for the protection and promotion of human rights through action to combat impunity require States to take “effective action” to protect records that provide evidence of gross violations of human rights. This duty is not confined to the records of State bodies. States must have an archival policy that ensures that all archives pertaining to human rights held by all types of institutions are preserved and protected. A State must establish a national archival system, including both the archives of the State and the archives of private institutions and individuals that hold important parts of the national patrimony. The State must enact an archives law that declares that the nation’s documentary heritage is to be retained and preserved, establishes the framework for managing State records from their creation to destruction or preservation in an historical archive, provides the mandate of the archival authority and sets out the rules for its operations, and establishes clear criteria for access to archives.**

50. **In transitional periods, if the State archives is not trusted or does not yet have the necessary capacities to manage sensitive and complex records, it may be necessary to establish intermediate archives to manage the sensitive records of State bodies of the repressive regime. In these instances, the archival functions of the intermediate archives would be the same as those of the State historical archives. However, it would operate in a different context within a different organizational structure, albeit still under the supervision of the State. Ultimately, the records of the intermediate archives would be transferred to the national archival system.**

51. **Records of truth commissions and special courts and tribunals must be preserved. Records of truth commissions are often needed after the commission completes its mandate, whether for prosecution, reparations or other State action. In these cases, the need for access to the commission’s records does not diminish with the closing of the commission.**

52. **The archives held by human rights groups are crucial resources for truth commissions and judicial processes. The archival profession should help NGOs develop greater capacity to manage their records. The International Council on Archives has produced many standards and statements of best practice, including a guide for managing the records of NGOs. Human rights groups and victims may lack confidence in State entities, including State archives, and therefore may prefer to deposit their permanently valuable private records in non-State archives. The**

archives of regional organizations, intergovernmental bodies and third countries are important for addressing human rights violations. These archives must cooperate with victims and their families, human rights investigators and judicial authorities that request their help, and provide both information about their holdings and access to the relevant materials.

53. During transitional periods, both governmental and non-governmental archival institutions must have good physical security. They must have sufficient financial and trained personnel resources to preserve the archives and make them available. They must have clearly stated access rules that cover all archival holdings. The archives staff must understand and be sensitive to user needs, realizing that the needs of victims and families are different from the needs of journalists and that these differ again from those of persons who must defend themselves against legal charges. People may be victims in one role and perpetrators in another, which must be considered when providing reference services. A proactive outreach programme is essential. People need to know what archives exist and what services are available to them. This is particularly true because many of the persons seeking information for human rights purposes have no prior experience with archives. Administrative impediments must not be put in the way of service.

Annex

[English only]

List of experts and practitioners participating in the seminar

- Marco Tulio Álvarez Bobadilla, Archivos de la Paz de la Secretaría de la Paz, Guatemala
 - Elisabeth Baumgartner, Dealing with the Past programme, swisspeace, Switzerland
 - Diane Brown, Office of the President, International Criminal Tribunal for the former Yugoslavia
 - Thomas Graditzky, International Committee of the Red Cross, Switzerland
 - Antonio González Quintana, Archives of the Community of Madrid, Spain
 - Catherine Kennedy, South African History Archive, South Africa
 - Trudy Huskamp Peterson, Certified Archivist, United States of America
 - Sandra Orlovic, Humanitarian Law Center, Serbia
 - María Luisa Ortiz Rojas, Collections, Museo de la Memoria y los Derechos Humanos, Chile
 - Patricia de Valdez, Memoria Abierta, Argentina
 - Patrick Walsh, Post Commission for Reception, Truth and Reconciliation Technical Secretariat, Timor-Leste
-