

Archives and the Preservation of Human Rights and Public Memory in Democratic Transition: *Case of the Tunisian Revolution*



Dr. Basma Makhlouf Shabou,
Department of Information Science, Prof.
Geneva School of Business Administration, Switzerland

ACA@UBC Symposium 2014

Plan

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2. Before the revolution
3. Position of the National Archives of Tunisia (NAT)
4. Records and archives position in transition period
5. Some illustrative cases
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Before the Revolution : Some contextual elements

History of the regime (1956-2011)

- Tunisia gets its independence from French protectorate (1956)
- Development of civil and modern government : Republic of Tunisia under the first leader : Habib Bourgiba (1956-1987)
- From 1987 to 2011, Tunisia was under the rule of Zine el Abidine Ben, whose government maintained power through oppressive security policies
- Under the regime, there were several thousand cases of detention, the persecution of political and religious views, and torture of prisoners while in detention



Before the Revolution : Some contextual elements

Developed legal and administrative context

- An arsenal of laws governing various aspects of the archives sector both central and regional or local
 - Archives Act : 2 August 1988
 - 90 decrees, orders and circulars from ministries (e.g. circular on procedures for the destruction of paper records), ...
- National Council on Archives, chaired by the Prime Minister + Ministers
- National Committee on electronic documents
- General inspection within the NAT for adequate document management in public administration

Before the Revolution : Some contextual elements

Provided Structures and resources

- Implementation of structure for the management of archives was created within the administration and public enterprises
- Creation of the Interdepartmental Centre of public records under the supervision of NAT
- Qualified human resources
 - Bachelor and Master programs with other training courses
- Available material and logistical resources and equipment compliant with archival standards and good practices

Before the Revolution : Some contextual elements

Provided Structure and resources

- Implementation of structure for the management of archives in collaboration within the public department
- Creation of the Interdepartmental Centre of public records under the supervision of NAT



- Qualified human resources : Bachelor and Master programs with other continuing training and courses
- Available material and logistical resources and equipment compliant with archival standards and good practices

Before the Revolution : Some contextual elements

A well-positioned national institution



National Archives of Tunisia (NAT)

Denomination	National Archives of Tunisia
Legal form	Public institution with an administrative character, under the Tutelage of the Prime Ministry
Foundation text	Act n° 88-95, 2 August 1988
Address	1122, Boulevard 9 Avril 1938 – 1030- Tunis Tunisia
Governorate	Tunis
Country	Tunisie
Tel	(216) 71 576 800 - 71 576 500
Fax	(216) 71 569 175
e-mail	archives.nationales@email.ati.tn
Web Site	www.archives.nat.tn

National Archives of Tunisia (NAT)



has as a mission to...

- safeguard the national archival heritage;
- watch over the creation, preservation, organization and proper use of all archival fonds related to public departments and enterprises and private bodies responsible for the administration of a public service and civil servants;
- collect, preserve and communicate all archival sources available abroad and thought relevant to the history of Tunisia.

In short ...

Theoretically we can see a perfect situation with

- Complete legislation, even pioneering,
 - Apparently well-oiled and efficient organization,
 - Glowing testimonials of international visitors,
 - Public documents seems to be under control?!!!
-
- **BUT, the political regime was authoritarian and repressive**
 - Sensitive public documents were confiscated and hidden ...
 - No privacy, Government had total control of personal and sensitive data ...

TUNISIAN REVOLUTION!!!!

January 14th, 2011



Records needed as principal tools of accountability

Civil society becomes more demanding in terms of transparency and access to information and public documents



→ OPEN DATA , Legislative Decree No. 41 of 26 May 2011 regarding public access to documents held by public bodies and retention schedules

Reality was not responding ...

Despite a perfect legal and administrative context, reality did not meet the requirements and needs of citizens

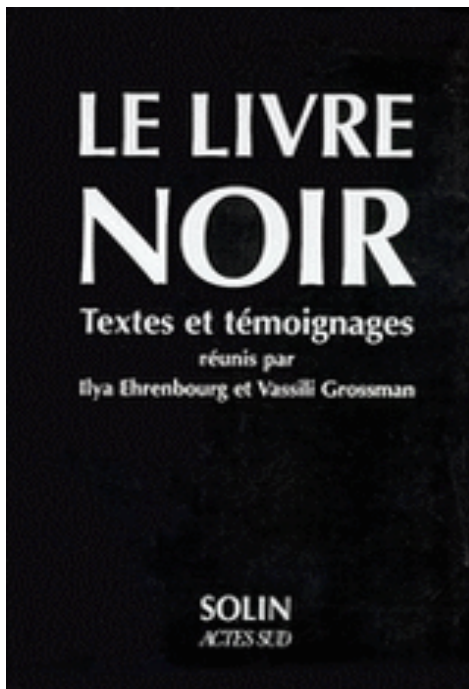
because ...

General disorder ...

- Confusion/disturbance at all levels of public administration → damage everywhere
- Destruction of sensitive documents not yet archived
E.g. : archives Police stations, courts, customs
- Ironically, the Archives center and NAT were not impacted

some illustrative cases ...

Case 1: Use of incomplete archives...



In December 2013, Mr. Marzouki, President of Tunisia, published a book titled *The Propaganda Apparatus under Ben Ali: The Black Book*, using the incomplete archives found in the presidential palace after Ben Ali fled in January 2011.

<http://www.ica.org/12317/lettre-dinformation-dhrwg/liste-des-lettres-dinformation-dhrwg.html>

Samples of sensitive information published in the Black Book

البلد	الصفة أو وسيلة الإعلام	الهوية
لندن	ANB	جورج عون
	Middle East	عفيف بن بدر
	Middle East	Anver Versi
	Hommes d'Affaires	برهان الجبالي
	Hommes d'Affaires	Stephan Day
	Jewish Telegraph	Paul Harris
	House of Lords	Tom Mac Nally

	Le Parisien	Dominique de Motvalon
	M6	Bernard de la Villardière
	Nouvel Afrique Asie	Simon Malley
بلجيكا	PME-KMO	Alain Deladrière
	Femmes d'Aujourd'hui	Christelle Gilquin
	Canal Z	Raphael Piret
	Trends tendances	Jean-François Sacré
	Regards revue Juive de Belgique	Denis Baumerder
	USA	The Washington Times
	مؤرخ	Georgie Ann Geyer
النمسا	رئيس نقابة الصحفيين النمساويين	Lucien Meysels
اسبانيا	La Razon	Pedro Canales
	Tramite Parlamentario	Luis Suarez Gonzales

Case 1: some reactions ...

- Civil society groups reacted strongly and worried about the legality and the objectivity of the use of the records.
- A commentator on *webdo.tn* asked whether the records are or should be under the control of the Ministry of Justice.
- Thirty-six civil society organizations signed an open letter demanding the protection of the archives of the dictatorship so that they can be used in “equitable, transparent and inclusive” transitional justice.

<http://www.webdo.tn/2013/12/12/documents-confisques-par-la-presidence-la-justice-sassumera-t-elle/>; <http://www.webdo.tn/2013/12/14/appel-de-36-associations-et-organisations-de-la-societe-civile-pour-la-protection-des-archives-de-la-dictature/>

E.g. : Democratic Lab ...



Democratic Lab recommends ...

- A specific regulation for the identification and protection of archives;
- A neutral and independent body;
- An individual's access to personal data → each has the right to correct his file;
- The use of archives for transparency and accountability;
- The use of archives for investigations in human rights issues;
- Protection of privacy / the protection of information that may constitute a threat to national security.

Case 1: some reactions ...

“Archives are a valuable tool in illuminating the truth about the past, but it is not the only tool. Truth seeking, with all of its consequences for victims and perpetrators, should be the result of comprehensive investigations, especially when concerning personal reputations”.

David Tolbert,

President of the International Center for Transitional Justice.

<http://www.aljazeera.com/indepth/opinion/2013/12/tunisia-black-book-transparency-witch-hunt-2013128517156923.html>

Case 2 : Loss and manipulation of archives



24.12.2013 :

Some archives of the Ministry of Interior, were found in an auto school (El Mourouj).

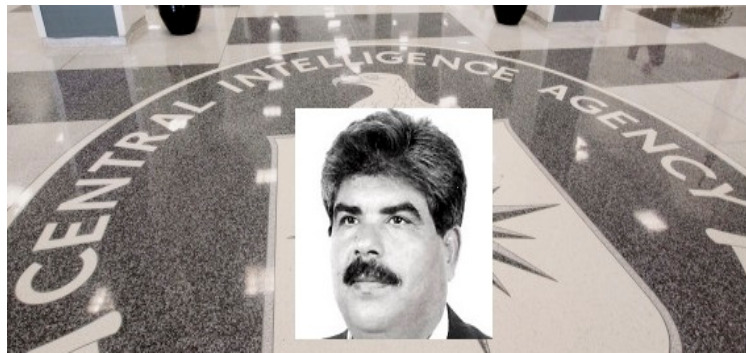
The archives include confidential files, computers and photographs, and many lists containing names and personnel data

→ The owner of this auto-school is a member of Ennahdha: the Party in power

<http://www.africanmanager.com/159833.html>

Trudy Huskamp Peterson, Chair, Human Rights Working Group (12.2014)

Case 3 : Archives as valuable evidence for the truth



On July 14, 1983, the CIA had informed Tunisian security services of a planned assassination by Salafis of the opponent Mohamed Brahmi, who was a member of the National Constituent Assembly .

→ He was killed eleven days later.

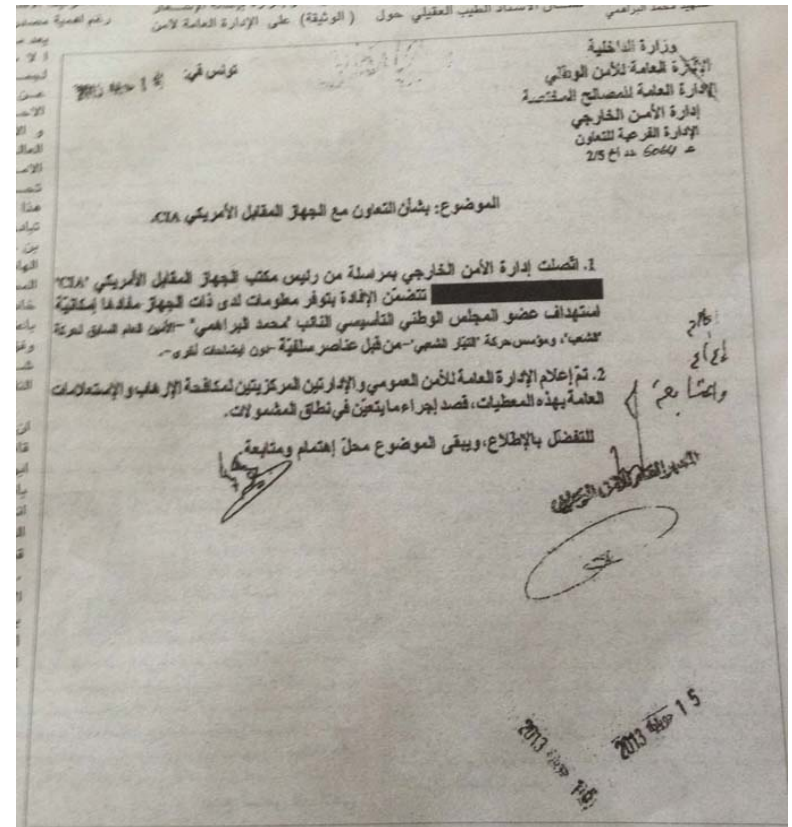
The CIA alert had not been communicated to the minister who has opened an internal investigation about this event.

Case 3 : Archives as valuable evidence for the truth

The document was leaked by an association that seeks to establish the truth about the murder of another opponent, Chokri Belaid killed in 6th February 2013.

On September 13, Minister Lotfi Ben Jedou authenticated this internal document dated July 15, which refers to this threat.

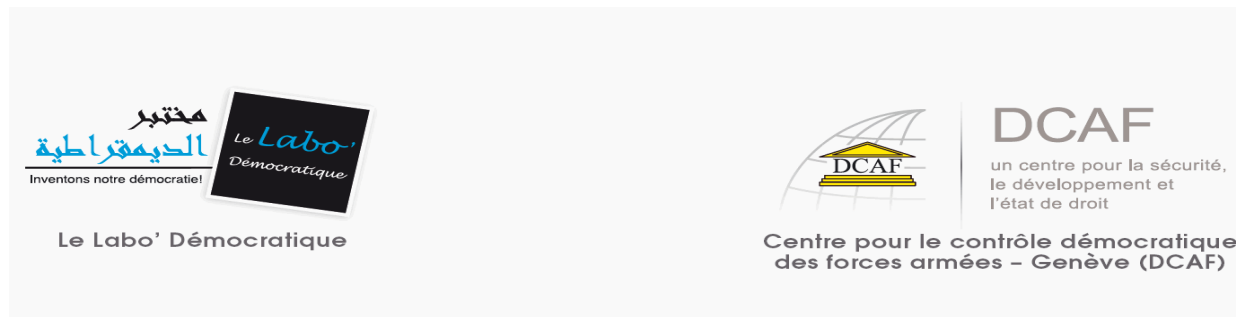
<http://directinfo.webmanagercenter.com/2013/09/14/lalerte-de-la-cia-sur-lassassinat-de-mohamed-brahmi-le-magheb-publie-le-document/>



Support and good initiatives to preserve the role of archives as evidence of past acts

→ Many conferences and seminars on Police archives and democratic transition took place

eg. : conference of the Centre for the Democratic Control of Armed Forces (DCAF) with *Labo' Démocratique* on access of Police archives, November 2011.



Support and good initiatives to preserve the role of archives as evidence of past acts

- Media and several civil societies are reacting strongly to inform/ sensitize not only public opinion but also legislative and executive powers to make information open and accessible to citizens
- Many countries support the Tunisian cause including the European Union and the United States

E.g: The Declaration of Holland by the French President on July 5, 2013 which sought to allow the opening of the archives of the 1952 murder of Farhat Hached, leader and founder of the *Tunisian General Labor Union* (1946)

→ Nevertheless the memory is at risk. The role of the National Archives of Tunisia is not active enough and needs to be developed and reinforced



Tunisia Approves its Constitution ...

Three Years after its revolution, Tunisia approves its Constitution

Members of Tunisia's National Constituent Assembly voted overwhelmingly to approve the country's new Constitution on Sunday night, finally completing a two-year drafting process and opening the way to a new democratic era.

The constitution passed with 200 votes of the 216 members present in the assembly, easily obtaining the necessary two-thirds majority needed for ratification. Legislators rose to their feet, greeting the result with applause, victory signs and some tears.



http://www.nytimes.com/2014/01/27/world/africa/three-years-after-uprising-tunisia-approves-constitution.html?ref=zineelabidinebenali&_r=0

Conclusion

- The resulting document is a liberal constitution that maintains Tunisia as a civil state and recognizes democratic freedoms and a separation of powers while including general references to Tunisia's Islamic and Arab identity;

- Article 31 of the constitution stipulates :
State guarantees access to information
تضمن الدولة الحق في الإعلام والحق في النفاذ إلى المعلومة

- Preservation of documentary memory and human rights should be guaranteed by states through
 - a democratic legal context
 - effective measures,
 - adequate human, financial and material resources,

- Government should be controlled and supported by many other actors
 - civil society
 - professional communities including archivists and records managers
 - citizens ...

Thank you for your kind attention!

basma.makhlouf-Shabou@hesge.ch