

COURSE SYLLABUS

Archives, Evidence and Human Rights

Professors: Iván Székely, András Mink, Csaba Szilágyi

Fall Term / AY 2022-2023

3 US credits / 6 ECTS credits

Elective for MA in Human Rights, MA in Central European History, and MA in Comparative History

No pre-requisites or co-requisites

E-learning site: <https://ceulearning.ceu.edu/course/view.php?id=14789>

Office hours: by appointment



Introduction

The Vera and Donald Blinken Open Society Archives (Blinken OSA), an organizational unit of CEU, is an international archival, research and educational institution committed to collect, preserve, provide open access to and actively interpret records on recent history, and human rights movements and violations (www.osaarchivum.org). Blinken OSA is also the records management provider for and the final repository of the historic records of the Central European University and the Open Society Foundations. Blinken OSA's holdings, coming from three dozen countries in over 30 languages and in all media and formats, are frequently used in its public programs, including physical and virtual exhibitions, film screenings, artistic performances, as well as lectures, workshops and seminars. Blinken OSA organizes yearly the Verzio International Human Rights Documentary Film Festival.

In an effort to find innovative ways of archiving and making records as widely available as possible, Blinken OSA developed and promotes a new, collaborative and distributed digital archival model which relies primarily on its users in the archiving process and research as well, and engage its community of researchers into professional dialog, thus facilitating critical approach to the documents.

Blinken OSA offers the three-credit course Archives, Evidence and Human Rights to the Human Rights Program of the Legal Studies Department, cross-listed to the History Department. The course seeks to attract students with different backgrounds, working on topics related to recorded memory, historical analysis and representations of oppressive regimes, and retroactive justice. The multidisciplinary course includes an introduction to the history and philosophy of preserving recorded memory and gives an overview of the basic functions and types of modern human rights archives. It further aims at analyzing the legal and ethical problems of using human rights documents containing personal data, as well as basic provisions of archival and information law. Case studies illustrate the problems of using and evaluating evidence on mass atrocities, the historical, ethical, and legal aspects of making justice for past abuses and the difficulties of making state leaders liable for human rights violations. New methods of (re)creating historical/human rights narratives from diverse

archival sources are introduced, along with innovative digital systems of managing human rights information. The course also explores practices of memorializing grave human rights violations in the archival space. In addition, students gain skills in doing archival research and handling archival documents in practice.

The course consists of 18 core sessions and as an organic part of the course, a period for conducting individual research under supervision, possibly on the Budapest campus. Students will visit the Budapest campus during their research periods and complete the course after this visit. The core sessions (classes and workshops) will be held onsite in Vienna, and a hybrid session will be devoted to students presenting their research topics.

The course is taught by a team of Blinken OSA experts: Iván Székely (social informatist, course leader), András Mink (historian), and Csaba Szilágyi (human rights archivist). The permanent home of Blinken OSA, the Goldberger House, is located in Budapest, just a few blocks away from CEU's main Budapest campus.

Goals

Using Blinken OSA as a model, the course aims at bringing the structure, database, catalogs, and documents of a contemporary archive closer to the students and giving specific and practical examples on how to trace and research archival material, as well as evaluate the findings. During the classes, workshops, consultations and their individual research work in Blinken OSA's holdings, students are expected to explore the possibilities and limitations of using textual, audiovisual, cartographic and electronic archival documents as evidence in national or international criminal procedures.

Learning outcomes

- Guide students in understanding common archival goals and processes, and different approaches to gathering and organizing information
- Develop students' ability to find and use primary sources in their research and thesis writing
- Orientate students in the area of online search possibilities, especially in finding and using trusted search engines, databases and online repositories
- Urge students to reconsider the use of recorded memory in evaluating the moral and legal aspects of justice-making
- Challenge students to evaluate, critically approach and innovatively use different kinds of archival documents relating to violations of human rights
- Strengthen students' ability to demonstrate an awareness and understanding of documentary evidence in the context of human rights
- Completing the course is a prerequisite of taking the Archives and Evidentiary Practices Specialization

Requirements

Students are required to participate in classes and workshops. They need to choose their individual research topic from a list offered by the professors (who will be their supervisors) in advance of the course, do intensive research in Blinken OSA's holdings online and possibly on-site, and prepare an outline of their final paper and a brief presentation on their research by mid-term. Students are required to regularly consult with their respective supervisors, prove their familiarity in using Blinken OSA's catalog and prepare for discussion the primary sources they are using in their individual research; the minimum number of consultations during the course is three.

Assessment

Grading is based on the take-home essay prepared on the students' individual research topic (60% weight), as well as the quality of oral contributions to classes and workshops (10% weight), mid-term presentations (10% weight), their individual research into Blinken OSA documents and individual consultations with the respective supervisors (20% weight).

Course materials

Course materials are available on the e-learning site of the course. Archival resources are available on Blinken OSA's website (www.osaarchivum.org) as well as through the OSA Research Cloud, a virtual research room where students can register and log in with their CEU accounts (<https://ceuedu.shatepoint.com/sites/osa-researchcloud>).

Structure

1. Introduction (Iván Székely, Csaba Szilágyi, András Mink)

September 19, 15:40-17:20

(a) Course information and requirements; introducing the teaching staff and students, their background, skills and interests.

(b) Presenting the list of available individual research topics; choosing an individual research topic for each student, distributing the topics, students and supervisors.

2. Archives, archivalistics, archival paradigms (Iván Székely)

September 26, 15:40-17:20

Introduction to archivalistics: memory preserving institutions; documents and records; current, semi-current and non-current documents; types of documents; traditional and new types of archives; archives and documentation centers; finding aids, catalogs; ways to find information in archives. The four paradigms of archival history.

Mandatory reading:

Ivan Szekely, "The Four Paradigms of Archival History and the Challenges of the Future", in Mika Merviö (ed.), *Management and Participation in the Public Sphere*, IGI-Global, Hershey, PA, 2015, pp. 1-37.

<http://publications.ceu.edu/sites/default/files/publications/the-four-paradigms-of-archival-history-and-the-challenges-of-the-future.pdf>

3. Memory and oblivion, remembering and forgetting (Iván Székely)

October 3, 15:40-17:20

The importance of remembering, the importance of forgetting. The types of memory, individual and collective memory, human memory and digital memory; memory preserving techniques; memory preserving institutions. The recurring act of selection and assessment; the brave new world of eternal digital memory, the fate of personal digital heritage, "the code is the law". The costs of preserving, the costs of forgetting; the changing functions of archival documents, the changing functions of archives.

Mandatory reading:

Szekely Ivan, "The right to be forgotten and the new archival paradigm", In A. Hoskins (ed.), *The Ethics of Memory in a Digital Age: Interrogating the Right to Be Forgotten*, Palgrave 2014, pp. 28–49.

Suggested reading:

Douwe Draaisma, *Why Life Speeds Up As You Get Older*, Cambridge University Press, New York, 2004, esp. chapter 10.

Viktor Mayer-Schönberger, *Delete: The Virtue of Forgetting in the Digital Age*, Princeton University Press, Princeton, 2009, Chapter VII: "Reintroducing Forgetting", pp. 169–195.

4. A Cold War archive: The birth and mission of the RFE/RL Research Institute (András Mink)

October 10, 15:40-17:20

The Cold War-related records of Blinken OSA are inseparable from the peculiar circumstances of their emergence, the early post-war contemplations and dilemmas of how the US foreign policy should interpret the "Soviet conduct" and how to respond to the "Communist threat". The seminar will analyze the contemporary debate on foreign policy options through two classical texts. Hopefully, the analysis may provide us some lessons for the recent international crisis when the confrontation of "East" and "West" seems to reoccur.

Mandatory reading:

Mr. X (George Kennan), *The Sources of Soviet Conduct. Foreign Affairs, June 1947*
<http://www.historyguide.org/europe/kennan.html>

Arch Puddington, *Broadcasting Freedom*. The University Press of Kentucky, 2003.
pp. 1-19. (pdf will be shared)

Suggested reading:

Walter Lippman, *The Cold War: A Study of US Foreign Policy, 1947*. Excerpts. (pdf will be shared)

5. *The pitfalls of a counter-archive: A critical assessment of Blinken OSA records (András Mink)*
October 17, 15:40-17:20

The view and interpretation of the nature of the Soviet threat as well as the strict boundaries of information gathering from behind the Iron Curtain determined in many ways the construction of this "counter-archive" of anti-Communism. We will analyze through concrete examples the ways and methods of gathering and structuring information on the Soviet bloc, and scrutinize the traps and pitfalls of source evaluation.

Mandatory reading:

Leszek Pudlowski and Iván Székely (eds.), *Open Society Archives*. Open Society Archives at Central European University, Budapest 1999.
<http://w3.osaarchivum.org/images/stories/pdfs/publications/white-book.pdf>,
pp. 14-38.

András Mink, Introduction to the Héderváry-collection (Records of the UN Special Committee on Hungary),
http://w3.osaarchivum.org/index.php?option=com_content&view=article&id=1543&Itemid=1517

Suggested reading:

András Mink: Columbia University Research Project Hungary: 1956 Hungarian Refugee Interviews at OSA Archivum, Budapest. 2006.
<http://w3.osaarchivum.org/digitalarchive/blinken/curph.pdf>

6. *From "Archival Imperative" to transitional archives: concepts of human rights archiving (Csaba Szilágyi)*

October 24, 15:40-17:20

Topics discussed: historical overview of human rights archiving, key moments and recent developments and initiatives; guiding principles and responsibilities of human rights archives; conceptualizing of human rights records; problems of archiving: record creation and chain of custody, access (on site and on-line) and restrictions, activation and reuse of human rights records; managing sensitive information; activism in archives: role of the human rights archivist/archives in promoting and defending human rights; and safe havens for archives at risk.

Mandatory reading:

Noah Geraci and Michelle Caswell (2016), "Developing a Typology of Human Rights Records", *Journal of Contemporary Archival Studies*, Vol. 3, Article 1, pp. 1-24.
<https://elischolar.library.yale.edu/cgi/viewcontent.cgi?article=1011&context=jcas>

Suggested reading:

Julia Viebach, (2021) "Transitional archives: towards a conceptualisation of archives in transitional justice", *The International Journal of Human Rights*, Vol. 25, No. 3, pp. 403-439.

<https://www.tandfonline.com/doi/abs/10.1080/13642987.2020.1811693>

Louis Bickford, Patricia Karam, Hassan Mneimneh and Patrick Pierce, *Documenting Truth*, International Center for Transitional Justice (2009),

<http://ictj.org/sites/default/files/ICTJ-DAG-Global-Documenting-Truth-2009-English.pdf>

Louis Bickford, (1999) "The Archival Imperative: Human Rights and Historical Memory in Latin America's Southern Cone", *Human Rights Quarterly*, Vol. 21, No. 4, pp. 1097-1122.

<https://www.jstor.org/stable/762757>

7. Archives, human rights and social in/justice (Csaba Szilágyi)

October 27, 15:40-17:20

Topics discussed: human rights archives and the conception of social justice; institutional and structural injustice; social responsibility (for diversity, accountability, rule of law and transparent government) of archives and archivists; archival theory, agency of the archivist and archival standards and procedures in the service of social equity and inclusion; and the power of archives in shaping narratives of social in/justice.

Mandatory reading:

David A. Wallace, "Archives and Social Justice", in Heather MacNeil and Terry Eastwood, *Currents of Archival Thinking* (Second Edition), Libraries Unlimited, Santa Barbara and Denver, 2017, pp. 271-297.

Suggested reading:

Ricardo L. Punzalan and Michelle Caswell, (2016) "Critical Directions for Archival Approaches to Social Justice", *The Library Quarterly*, 86(1), pp. 1-18.

<https://escholarship.org/uc/item/1xq5k4kg>

Randall Jimerson, (2006) "Embracing the Power of Archives", *The American Archivist*, 69 (1): 19-32.

<https://tinyurl.com/ycxy8yau>

8. Access and protection (Iván Székely)

October 31, 15:40-17:20

Topics discussed: personal and public data; basic principles of data protection and freedom of information; the European and the American model of handling personal data; the relevant provisions of privacy law, freedom of information law, archival law; international norms of access to archives; the Council of Europe recommendations and conventions; the EU legal framework; the Quintana Report on access to archives of former repressive regimes; lustration

and former secret service archives; the access practice in Europe; state secrets, business secrets, donor's restrictions, lack of finding aids, general protection period; partial release (electronic and paper-based)

Mandatory reading:

Council of Europe: Recommendation No. R (2000) 13 of the Committee of Ministers to member States on a European policy on access to archives (with Explanatory Memorandum)

<https://rm.coe.int/16804cea4f>

<https://rm.coe.int/16804cf8f4>

Suggested reading:

Shekhar Singh, "India: Grassroots Initiatives", in Ann Florini (ed.), *The Right to Know. Transparency for an Open World*, Columbia University Press, New York; Chichester, West Sussex, 2007, pp. 19–53.

9. Workshop: Students presenting the state of their research (Iván Székely, Csaba Szilágyi, András Mink)

November 3, 15:40-17:20

10. Memorializing mass atrocities in the archival space (Csaba Szilágyi)

November 7, 15:40-17:20

Topics discussed: roles, responsibilities and limitations of archives in heritage management, knowledge creation and memory politics related to contemporary mass atrocities; using forensic evidence and material objects, audiovisual documentation, legal materials and personal memories in post conflict memory work; constructing location and/or event based human rights/historical narratives from primary archival sources to preserve memory, (re)build collective identity and facilitate historical dialogue in post-conflict societies; and introducing a new archival model combining institutional and community archival methods for inclusive memory practices.

Mandatory reading:

Szilágyi Csaba, (2014) "Representation of Mass Atrocities in Imagined 'Commemorative Arenas'," in Rob van der Laarse, Francesco Mazzucchelli and Carlos Reijnen (eds.) *Versus 119: Traces of Terror, Signs of Trauma. Practices of (Re)Presentation of Collective Memory in Space in Contemporary Europe*, Bompiani, pp. 71-91.

Suggested reading:

Hariz Halilovich, "Re-imagining and re-imagining the past after 'memoricide': intimate archives as inscribed memories of the missing", *Archival Science* (2016) 16:77–92.

<http://link.springer.com/article/10.1007/s10502-015-9258-0>

Eric Ketelaar, "Archives as Spaces of Memory", *Journal of the Society of Archivists* (2008), 29:1, pp. 9-27.

<https://www.tandfonline.com/doi/pdf/10.1080/00379810802499678?needAccess=true>

11. Workshop: Preparing archival evidence for criminal court proceedings – The 1995 Srebrenica genocide (Csaba Szilágyi)

November 10, 15:40-17:20

Topics discussed: the 'forensic turn' in investigating, reporting and publicly discussing human rights violations; international standards on the probative value of archival records: authenticity and reliability; application of these standards on archival documents from Blinken OSA's permanent collections, as well as from the International Criminal Tribunal for the former Yugoslavia, the International Commission on Missing Persons and the Missing Persons Institute in Bosnia and Herzegovina; assessing human rights documentation as (primary and secondary) legal evidence; rules of procedure and evidence in international criminal courts; and examples of unusual cases of evidence.

Mandatory reading:

Popović *et al.* (IT 05-88) "Srebrenica", Judgment Summary, June 10, 2010

<http://www.icty.org/x/cases/popovic/tjug/en/100610summary.pdf>

Isabel Delpla, (2012) "The ICTY Investigations: Interview with Jean-René Ruez," in Isabel Delpla, Xavier Bougarel and Jean-Louis Fournel (eds.), *Investigating Srebrenica: Institutions, Facts, Responsibilities*, Berghahn Books, New York and Oxford, pp. 23–39.

Suggested reading:

Susan Schuppli, "Entering Evidence: Cross-Examining the Court Records of the ICTY", in Forensic Architecture (eds.), *Forensis: The Architecture of Public Truth*, Sternberg Press and Forensic Architecture, Berlin, 2014, pp. 279-316.

<http://www.susanschuppli.com/wp-content/uploads/2014/11/Entering-Evidence.pdf>

Daniela Accatino and Cath Collins, "Truth, Evidence, Truth: The Deployment of Testimony, Archives and Technical Data in Domestic Human Rights trials", *Journal of Human Rights Practice* (2016) 8:81–100

<http://jhrp.oxfordjournals.org/content/early/2016/03/01/jhuman.huv019.abstract>

12. Workshop: Working with digital open source information on human rights violations (Csaba Szilágyi)

November 14, 15:40-17:20

Topics discussed: problems of mass archiving of open source information; validating and evaluating user-generated and social media content on human rights abuses in the era of mis/disinformation; exploring open-source investigation methods and tools for uncovering and verifying human rights violations; legal, ethical and moral considerations in open source intelligence work; and using digital evidence in international criminal courts.

Mandatory reading:

Jeff Deutch and Niko Para, (2020) "Targeted Mass Archiving of Open Source Information", in Sam Dubberley, Alexa Koenig and Daragh Murray (eds.), *Digital Witness: Using Open Source Information for Human Rights Investigation, Documentation and Accountability*, Oxford University Press, Oxford, pp. 165-184.

Suggested reading:

Aric Toler, (2020) "How to Verify and Authenticate User-generated Content," in Sam Dubberley, Alexa Koenig and Daragh Murray (eds.), *Digital Witness: Using Open Source Information for Human Rights Investigation, Documentation and Accountability*, Oxford University Press, Oxford, pp. 185-227.

Berkeley Protocol on Digital Open Source Investigations (2022)

https://www.ohchr.org/sites/default/files/2022-04/OHCHR_BerkeleyProtocol.pdf

Keith Hiatt, "Open Source Evidence on Trial", 125 *Yale L. J. F.* 323 (2016)

<https://www.yalelawjournal.org/forum/open-source-evidence-on-trial>

Bellingcat: by and for citizen investigative journalists

<https://www.bellingcat.com/>

13. Who has right to what? Human rights during the Cold War (András Mink)

November 17, 15:40-17:20

The issue of human rights has become a central element of international relations, and the dissident political culture within the Soviet bloc from the second part of the 1970s. The seminar will concentrate on both the theoretical and political innovation of human rights thinking of the era as reflected in archival documents. In the post-Helsinki era the claims for human rights and political and civil liberties had to face the challenge of Soviet type "Marxist" claims and interpretation of human rights, thus became a central element of ideological and propaganda warfare between the two sides.

Mandatory reading:

János Kis, "Do We Have Human Rights? Introduction", *Beszélő* 16 (1986/1) (pdf will be shared)

János Kis, "Do We Have Human Rights? Introduction to the 3rd edition", *Beszélő*, May 2003 (pdf will be shared)

Konstantin Chernenko, *Human Rights in the Soviet Union* (pdf will be shared)

Suggested reading:

Simon Hall, *1956: The World in Revolt*, Faber and Faber, 2016, Ch. I/1. and I/4. (pp. 5-26, 69-88.) (pdf will be shared)

14. Dissidence: The Polish and Czechoslovak cases (András Mink)

November 21, 15:40-17:20

The dissident movements in Poland, Czechoslovakia and Hungary from the mid-1970s exerted strong influence on each other and had common features, but due to the different historical

background and social-political environment, bore also many differences in their strategies and dynamics. We will follow the Polish and Czech developments and practices of anti-regime resistance by the help of two classical texts and original sources.

Mandatory reading:

Adam Michnik, *A New Evolutionism* (1976), available at http://chnm.gmu.edu/1989/archive/files/A%20New%20Evolutionism%201976_65b0fee1ea.pdf

Vaclav Havel, *Open Letter to Gustav Husak*, 1975. (pdf will be shared)

15. Dissidence: The Hungarian case (András Mink)

November 24, 15:40-17:20

The anti-regime resistance in Hungary had been successfully marginalized by the post-1956 consolidation of the regime. While the invasion of Czechoslovakia stimulated regime criticism among the intellectuals, still the Democratic Opposition remained isolated. Through original sources and classical texts, the seminar will explore the tactics and strategy of Hungarian dissidence when the Kádár-regime was able to preserve remarkable public support until the second half of the 1980s.

Mandatory reading:

János Kis, "Kádár Must Go!", (1987) in Kis János, *Politics in Hungary: For a Democratic Alternative*, Atlantic Research and Publication Ltd. 1989

Suggested reading:

Miklos Haraszi, *The Velvet Prison*, excerpts (pdf will be shared)

16. Workshop: Prosecution of political leaders: The Trial of Nicolae and Elena Ceaușescu (Csaba Szilágyi, András Mink, Iván Székely)

November 28, 15:40-17:20

In a moderated session students analyze the contemporary case of a former political leader facing trial for his deeds in a society in democratic transformation. Relevant archival sources are brought in the classroom to inform the discussion on problems related to transitional justice making, including the historical background, crimes committed, personal responsibility and accountability, chain of command, and legality of the trial.

Mandatory reading:

Vladimir Tismaneanu, "The Siege of the Romanian Fortress" in Tismaneanu, *Reinventing Politics: Eastern Europe from Stalin to Havel*, The Free Press, New York, 1992, pp. 223–236.

Alina Conțeanu, *Dec 25, 1989 – Trial and Execution* (An Online Exhibition at Google's Cultural Institute) <https://www.google.com/culturalinstitute/exhibit/trial-and-execution/qREp68EU?hl=en>

Suggested reading:

Ruxandra Cesereanu, Ceausescu's Trial and Execution (2009)

http://www.metabasis.it/articoli/7/7_cesereanu.pdf

Nestor Ratesh, *Romania: The Entangled Revolution*, Praeger, New York, 1991.

17. The future of archives in the digital age (Iván Székely)

December 1, 15:40-17:20

Topics discussed: How archival functions have changed in the digital environment and how these changes have affected the various types of archives and their functioning. The main information operators that characterize the work of archives in successive paradigms of archival history. Experience shows that internet-based information services can apparently take over *en masse* all the operators associated with archives – then what need do we have for traditional archives and archival institutions?

Mandatory reading:

Szekely, Ivan, "Do Archives Have a Future in the Digital Age?", *Journal of Contemporary Archival Studies*, Vol. 4 (2017), Governance of Digital Memories in the Era of Big Data, Article 1, pp. 1-16.

<http://elischolar.library.yale.edu/jcas/vol4/iss2/1>

18. Evaluating evidence: witnesses, statisticians and other stakeholders (Iván Székely)

December 5, 15:40-17:20

Topics discussed: nature and types of evidence; truth vs. probability; evidence in science, the science of evidence; documentary evidence; methods of falsifying documents, methods of verifying documents; statistical probability and evidence; witness testimonies and factual evidence; strategies to prove and to reject probative value of evidence; cross-references and joint evaluation; court practices and legal traditions, the practice of international tribunals.

Mandatory reading:

Ball, Patrick, "Human Rights in the post-truth age: a statistician's mission", talk at Founders Pledge, 2017.

<https://www.youtube.com/watch?v=5G08JCK9aY>

Suggested reading:

Harrison, Ann, "Counting the Unknown Victims of Political Violence: The Work of the Human Rights Data Analysis Group", in John Lannon and Edward Halpin (eds.), *Human Rights and Information Communication Technologies: Trends and Consequences of Use*, IGI Global, 2012, Chapter 9, pp. 139–156.

<https://hrdag.org/wp-content/uploads/2013/02/HRDAGbookchapter.pdf>

David A. Schum, *Thoughts about a science of evidence*, University College London, 2005

www.ucl.ac.uk/jdi/research/evidence-network/docs/Science.doc