

**There is no question** that one of the phenomena with more social and political impact at the international level in the early twenty-first century is terrorism. The attacks on the World Trade Center in New York on September 11, 2001, on the tourist area of Kuta, in Bali on October 12, 2002, and on the railway network near Madrid, on March 11, 2004, beyond its human impact, has meant the consolidation of the transnationalization of terrorism and the formulation of responses with big international impact. In this sense, the 2011 commemoration of the tenth anniversary of the terrorist attack on New York was a good reason to consider the archival trace left in the society due to their devastating effects. On the other hand, also in 2011, the announcement in Spain by the terrorist group ETA of the cessation of its 'armed activity' is another really important fact so that all issues dealing with the research of its origins, evolution and future and desired dissolution are becoming main topics.

However, despite the existing interest on the records produced by a terrorist organization and on their management, communication and custody, we have to emphasize the general lack of studies dealing with this subject from the professional archivist perspective. The different studies published here show the variety of views about the possible rapprochement to their study, as well as the complexity of their achievement.

Certainly the first issue to deal is the analysis, since there may be several types of terrorism: state terrorism, subversive terrorism, individual terrorism, etc... The consensus on both its definition and typology is not easy, as evidenced by Luis de la Corte Ibáñez and Hrsitina Gergova Hristova's article, *El terrorismo como objeto de estudio: algunas notas introductorias* (Terrorism as object of study: some introductory notes). The paper reviews different researches on the terrorism phenomenon and significantly emphasizes, as a key strategy to its study, the organizational nature of the current terrorist groups and, therefore, the need for specialized methodologies in the organizational and group dynamics.

Since they are organizations and since the means of records production have been democratized throughout history, it seems clear that the result of their

activities and actions will also result in an inevitable production of records. However, the studies published in this edition of *Tábula* focus only on what might be considered subversive terrorism, leaving the state terrorism aside. Precisely in this sense, the perspective of analysis becomes relevant again since information from organizations that have left no archival trace will be only available using third-party records or appraisals. A clear example would be the radical groups of the Zealots, in the first century, often regarded as the first “terrorist” groups, principally recorded in the Roman archival references.

It should be added that who has held the power, has frequently used the destruction of the written sources as a weapon in the fight. In connection with the practice of terror in the days before the French Revolution (when “terrorism” became an appropriate term), the Hassassin order, from which the word “assassin” derives, is often mentioned due to their violent actions in public places. In this case, their defeat and destruction in the thirteenth century in one of their territorial strongholds, Alamut, also led to the burning of their archives.

The description, therefore, of violent phenomena as terrorism may be also influenced by the perspective of who holds the power. For example, the initial riots in Libya were labeled as terrorists by Muammar Gaddafi, like the current uprisings in Syria. Undoubtedly, a more controversial example might be the figure of Michael Collins, leader of the IRA and revolutionary leader of the independence of Ireland although the British standpoint surely could be quite different. Similar cases may occur in relation to extinct terrorist groups usually associated with Fatah (Palestine Liberation Organization), as Black September and the Popular Front for the Liberation of Palestine, who acted in the 70s of the last century.

In any case, the object of the literature has focused on subversive organizations, i.e., organizations against the established order, who have made or make systematic use of violence, often indiscriminately, as an instrument of pressure and intimidation regardless of the outcome of their actions. Therefore, on the records produced underground, whether for organizational purposes, with a clear component of secrecy, or with propaganda purposes for their public communication.

A good example of the complexity in the identification and study of this type of records is the article by Gaizka Fernández, Raúl López, Miren Casanellas Barandiaran and Pau Casanellas *La documentación de (y sobre) ETA* (Records of (and on) ETA). In this paper the different types of records produced by the organization (lectures, discussion texts, statements, manifestos, newsletters, magazines, etc.) and the centers where they are kept can be identified. In addition, the text proposes additional documentary sources from other producers, such as law and police sources or the associations of victims of terrorism sources etc. The work also depicts the difficulties in means and access to these records. Such

records, mostly collected from ex-militants' anonymous donations, could be increased from this new stage on, even though they may be also at risk of being intentionally eliminated.

All these facts lead to a growing interest in their study but also to growing difficulties due to the scattering of the aforementioned sources, in which the foreign records such as minutes of negotiations with the government, deposited in the HD Center in Geneva, or the records seizures in France can be included. Specifically, the records seized in 2004, which Mikel Albisu Antza requested during the trial in Paris in 2010, may be particularly interesting. Apparently these records were, in the words of Antza, the historical archives of the organization from 1974 to 1990, and included audio tapes with statements from historical leaders, questionings of kidnapped entrepreneurs and even Civil Guards' wire-tapping.

Certainly, from the archival point of view the present time may be crucial for the management and also for the recovery of the organization's records. The example given by Peter Müller in *De la Afrenta de Peyman a las Cintas de Stammheim. Documentación sobre la historia de la Facción del Ejército Rojo en el Archivo Estatal de Ludwigsburg* (From the affront of Peyman to the Stammheim tapes. Records of the history of the Red Army factions in the State Archive of Ludwigsburg), is extremely illustrative of the difficulties in the identification, management and regulation of the access to the archives generated in the environment of an armed group. It is also very valuable due to its absolute and praiseworthy transparency in relation to involuntary and intentional administrative eliminations and errors, the resistance of producing offices to the transfer of records to the archives, the political nature of some files and their possible role in making certain decisions on the management of records and the deregulation of some records, such as the Stammheim tapes. This last example is especially interesting, since the existence of non-regulated records led to a sort of "archival limbo," and its fortuitous conservation has been essential for the research and even for its educational or creative and artistic exploitation.

Peter Müller also refers to the fragmented nature of the records produced in the fight against terrorism. This statement dovetails nicely with the article by Diego Navarro on the Exploitation and traceability of the record for intelligence purposes with the aim of security and defense (originally *La Explotación y trazabilidad del documento de archivo con fines de inteligencia para la seguridad y la defensa*). The fight against terrorism and the intelligence services work and generate a huge amount of information, really varied and heterogeneous, since any sample or record, complete or not, that can serve as evidence should be incorporated into the information system. In this regard, we stress the need for the implementation of archival criteria due to their important role in understanding the production context in order to transform information into knowledge of the terrorist

organization, useful for intelligence services. Furthermore, terrorist organizations also develop their own information systems to counter or confuse the enemy. This is the case of *Sarea* (“the network”), an ETA’s organ for the acquisition and processing of information and dismantled in 1994.

Note that in an extremely technological context, terrorist organizations also generate their own training, security and records encryption protocols manuals, as evidenced in the “manual” seized from the former head of the information machine, Francisco Javier López Peña, alias Thierry. Storage and processing of records and data is essential although their traceability in USB flash drives or hard disks is inevitable. Therefore, the confiscation of memory devices is crucial, as well as their decoding, although it may take years to achieve. For example, it took 4 years to access the computer files of Joseph Segurola, lieutenant of Mikel Aspiazu, alias Txeroki. However, as in every organization there are also failures of the records security protocols that in this case made things easier: in 2002, in the arrest of Ibon Fernández Iradi, alias Súsper, police found a piece of paper with strange entries corresponding to the decryption keys of his computer files and phone book, which was decisive for the actions of the State Security Forces.

The accumulation of information is carried by both terrorist organizations and security forces, although the latter usually with a much higher potential. This is the approach to the analysis made by Miguel Ángel Esteban of the Secret records and the right of access to information under the democratic control of intelligence services (originally *Documentos secretos y derecho de acceso a la información en el marco del control democrático de los servicios de inteligencia*). The author stresses the importance in democratic societies of ensuring the transparency, the public control and the rendering of the accounts of intelligence services with no compromise to their functions. For this purpose, the contribution of the archival science is particularly interesting, since it suggests an inventory of all resources and sources of information as a preventive measure and at the same time the definition of international guidelines for the declassification of records that could be developed under the tutelage of the International Council on Archives (ICA).

The public control of these services becomes an extremely sensitive but also critical issue from the very moment that many data in multiple formats (geospatial, wiretapping, voice, images, web information, communication researches, etc.) are captured and mosaic techniques are used for analysis. Thus, such information that isolated would be harmless, could be dangerous in combination. The storage, maintenance and custody of this information require that it meets the requirements of reliability, credibility and relevance to the intelligence services, similar or analogous to the archival application.

Finally, *En torno a la documentación de los conflictos: el caso del “Archivo del Duelo”* (*About the conflict records: The “Mourning Archive”*) by Antonio Cea,

Paloma Díaz-Mas, Pilar Martínez, Carmen and Cristina Ortiz Sánchez-Carretero presents a collection of spontaneous signs of mourning left by citizens in the train stations where the attacks took place on March 11, 2004 in Madrid. It describes the process of treatment and, basically, the potential researches into the different sides of the human and social sciences. So that with a deliberate public aim it constitutes an archival trace of an action that in case it left an archival trace, had a purpose of underground secrecy from the very moment of its creation.

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Moreover although the evidential records have always played an exceptionally important role in legal proceedings, and although archivists have always emphasized the importance of the records as legal business evidences and as essential support in the rights and obligations, we have not paid attention to the way these evidences are evaluated when they reach the court. As professionals we must know the judges' arguments for their sentences in relation to the appraisal of the documentary evidence submitted at trial, and we must know when and why they have been questioned if not refuted, and when this happened, what were the legal grounds to accept or reject that rebuttal.

In this edition of *Tábula* one chapter of the monograph deals exclusively with the issue of "Archivos en el estrado" (Archives on the stand) trying to analyze the evidential value of records (Trudy Peterson) and the role that such records played in court in the major processes concerning serious violations of the Human Rights (Antonio González Quintana and Giulia Barrera). At the same time it attempts to point out the great importance of recording, in the most efficient way, the actions of such courts, especially when oral personal testimonies are the foundation stones of the prosecution, as it happened in the International Criminal Tribunal for Rwanda (Martha Hunt).

Unfortunately in the archival literature there is a big gap on the study of the use of documentary evidence, in spite of having many sentences, some of them extremely valuable for archives and archivists in which the evidence submitted and considered by the court is widely praised. If we, the archivists, assume the inseparable relationship that our profession has with the Law, we need to know in depth the essential jurisprudence in both international and national law.

There are books about archives or written by archivists including a reference to justice in their title, there is even one referring to Justice and Archives, that is Verne Harris's monograph: *Archives and Justice: a South African perspective*. But they do not deal with this jurisprudential study we intend to target in this edition of *Tábula*. Rather, they deal with the issue of court records and the specific problems of the archivists who manage these documentary funds. Specifically, Harris's book does not even speak of court records but of a concept of justice

more social or philosophical than merely legal. It is without a doubt a work of great value, a must in order to know the current postmodern archival trend defended by Harris himself, along with other co-workers following the philosopher Jacques Derrida, and that we define as “activist archival science”. That is the reason why we wanted to include in this edition, but in the miscellaneous section because it is not closely related to *Archivos en el estrado*, a comprehensive review of the work, also by Trudy Peterson.

Trudy Huskamp Peterson is the president of the ICA Working Group on Archives and Human Rights, established in Cape Town, South Africa in 2003. She has been Executive Archivist of the United States of America (1993-95), Executive Director of the Open Society Archives in Budapest (1995-98) and Archivist of the UN Refugee Agency (UNHCR) in Geneva (1998-2002). She is currently engaged in the archival profession as an archival consultant, advising numerous projects. Due to its international significance, we will mention, among others, the Recovery of the Historical Archives of the National Police of Guatemala, in which she has been senior advisor since the discovery of the file in 2005. As a result of her extensive international experience we have two special publications related to human rights, international criminal courts and transitional justice, in particular to truth commissions: *Final Acts: A Guide to Preserving the Records of Truth Commissions* and to international criminal courts: *Temporary Courts, Permanent Records*. The small Trudy Peterson’s article featured in this edition of *Tábula*, The probative value of the archival documents (El valor probatorio del documento de archivo) is undoubtedly a concentrated and synthetic result of her extensive experience and poses, from the common sense, on a number of considerations about the reliability of the record, essential for its use and related to the essence of our profession: respect for the context of the records production and the guarantee of the chain of custody.

Precisely, on the actual use of the records as evidence in judicial proceedings Antonio González Quintana has tried to provide a broad mosaic, based on the examples of the great trials for crimes against humanity since the Nuremberg trials at the end of the Second World War. Antonio González Quintana, also a member of the ICA Working Group on Archives and Human Rights has reflected in his work on archives and human rights (*Políticas Archivísticas para la Defensa de... /Archival Policies for the Protection of ...*) on the importance of archives for the purification of responsibilities for Human Rights violations and for the pursuit and prosecution of war criminals and genocidal crimes against humanity perpetrators. Antonio Gonzalez is also a member of the NGO Archivists Without Borders and has been the director of the Civil War Section of the National Historical Archives of Spain and Coordinator of the Military Records of the Ministry of Defense of Spain, and is currently Deputy Director-General of the Archives of the Region of Madrid (Spain).

In his article “Documentos sin fronteras para una Justicia Universal” (Documents without borders for Universal Justice) González Quintana starts from the International Military Tribunal at Nuremberg, the first mass use of documentary sources in the prosecution of these crimes, and reaches the last of the great trials for war crimes and crimes against humanity, Ivan Demjanjuk’s, initiated in 1974 and reopened in Germany today after consecutive trials, appeals and judgments in Israel. In all trials of this case the appreciation of documentary evidence has been the great hobbyhorse of lawyers and prosecutors. The author also mentions other major processes such as Adolf Eichmann’s, Klaus Barbie’s, Luis Garcia Meza’s, Maurice Papon’s and Alberto Fujimori’s, among others.

Giulia Barrera is an archivist of the General Directorate of Archives of the Ministry of Culture of Italy. Like the two previous authors is a member of the ICA Working Group on Archives and Human Rights and has worked for years as a technical advisor on archival issues for the Italian prosecutor Giancarlo Capaldo, who pursued those responsible for the political murders of twenty-five Italian citizens in Latin American countries involved in the so-called Condor System.

The author presents in her article “De cóndores y jueces: reflexiones archivísticas sobre una investigación judicial” (originally Of condors and judges: archival musings over a judicial investigation) her experience with prosecutor Capaldo. Her perceptions, always from the perspective of a professional archivist, are extremely valuable for other co-workers involved in similar work and her proposals for the exchange of information and the creation of evidential armories with the material analyzed by courts around the world constitutes a reason for the reflection of the entire international community, including either archivists or judges and prosecutors.

Martha Hunt, archivist of the United Nations is currently the chief of the Archives Unit of the International Criminal Tribunal for Rwanda. In her article she reveals the practical experience of the need to preserve and provide, properly edited in order to avoid the disclosure of personal data of third parties, the testimony given by victims of the genocide in Rwanda and in general, in hearings of crimes against humanity .

In her article “*Digitalización y edición de las grabaciones audiovisuales del Tribunal Penal Internacional para Ruanda, de Naciones Unidas*” (Digitizing and editing audio and video recordings of the International Criminal Tribunal for Rwanda, of United Nations) Martha Hunt explains the experience of digitizing and editing the video testimony taken in the different sessions of the Tribunal hearings and enlightens us about how technically complex the recording of these personal testimonies is and the legal difficulties involved in making these testimonies available for public knowledge.

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