Contribution of Heidi Hautala, chairwoman of the European Parliament's Subcommittee of Human rights:

Dear participants of the conference Crimes of the Communist Regimes,

I can't unfortunately be present in the conference, as I am taking part on a European Parliament's fact-finding delegation visit to Belarus.

Twenty years after the fall of the Iron Curtain and almost six years after the accession of post-communist countries to the EU, it is natural to ask how one should deal with the past of the communist states. How should we evaluate the actions of the communist regimes behind the Iron Curtain? For me the points of departure are definitely human rights and justice.

It is undisputed that the communist regimes violated human rights, as the Resolution of the Parliamentary Assembly of the Council of Europe of 25 January 2006 states. However, it is not as clear how we should deal with this past.

In my contribution I will touch upon the question of the power of interpretation, the need for a free and tolerant public debate, the complex issue of transparency and the diverse roles of politicians and researchers in Vergangenheitspolitik.

The question is: who interprets the truth?

The politicians have a great responsibility in interpreting the "truth". How do we see our past and how does it influence the present? The one, who has the power to tell us what the true state of our society is, also has the political power.

I would like to emphasize that assessing this question can not be made just from a legal point of view. Instead, in my view the historical and political side of the question cannot be over emphasized. As said, the interpretation and reconciliation of the past is eventually always a matter of debate on whose version on the course of events is "right". It can also be seen as an issue about the right to speak up: who has the right to speak up, say what and about whose past.

In German academic discourse there is a concept "Deutungshoheit", which means "the power of interpretation". It is a hegemonic mandate which allows one to dictate "the right way" to see
historical events and to interpret them to have rather powerful meanings. Both the victims and the offenders seek to gain that position and, via that, a justification for their own interpretation of the past.

Even if the dealing with the past does not achieve any ultimate goal, such as reconciliation, debate as such is already success in itself.

A Finnish historian, an outstanding specialist of the history of GDR, Seppo Hentilä has stated: "The societal consensus is not the yardstick for the solidity of democracy. More important is the capability to tolerate differences of opinion and handle them in a non-violent way. The stronger the democracy in the country, the more critical, open and tolerant is its way of dealing with the past."

In essence this means, that one single group should not claim to have the exclusive right to interpret the truth, but space should be given for open and diverse public debate. Even if objective interpretation of historical facts is not possible and objective narratives of the past events do not exist, academic historians can use scientific tools to study the past and thereby try to achieve as objective results as possible. Thus, the role of academic research is crucial in the mastery of history. It is also crucial to understand that research into past events is continuous, as new layers inevitably unfold in the process.

What do we then need?

We need a comprehensive scientific account of the wrongs committed by the communist states. These injustices need to be assessed via an unrestrained dialogue in order to find the best possible solutions. The goal of this process should be reconciliation within the post-communist societies and strengthened European integration across the former East-West divide.

Furthermore, as the objective of the process is to attain more unified and harmonious society, there has to be room for self-criticism of the offenders. Indeed, one criteria of the success of Vergangenheitspolitik is whether the offenders are able to speak out also outside courtrooms.

It is important to note, that only the fact that somebody has been working in the machinery of a totalitarian regime does not suffice to prove the person guilty. Such fact needs to be further defined, how the person was involved with the regime and why. Moreover, those found guilty should be encouraged to also look into this issue by themselves. As, the late President of Estonia, Lennart Meri, wisely said: "We can forgive, but we can never forget."
All in all, a multifaceted view of the events of the past is needed. Democratic systems guarantee the best grounds for such a view. However, interpretation of historical facts should never be imposed by simple majority decisions by parliaments.

What about transparency?

In this context there are two differing views as to how the archives should be used. Some consider that all of the documentation should be accessible for every person, whereas others believe that access to areas of privacy should be more restricted and data protection fully respected.

I personally belong to those who see some problems with the radical openness of the data and maximal opening of the archives. For example, documents stored by security structures can be misleading and it may be wise to open the archives first to a restricted group of qualified academic and scientific researchers. Not least should we also remain mindful about the fact that the unrestricted public access to documents can be distressing for the victims.

All this does not mean that we should not make a genuine effort towards opening up archives, only that steps must be taken to ensure that this process will not be abused for political witch-hunts.

In this vein, there should be a clear legal framework regulating access to documents held in the archives of internal security services, secret police and intelligence agencies. I also emphasize here that such documents must be available, in general, in their broad context as an uncritical and random exposure of this kind of data based on its digitalisation may not help to understand the complexities of the past.

Indeed, one can argue that access to documents is just a starting point. Objective and thorough analysis is needed to reach conclusions. This should be done with the help of academic historians and other researchers. This makes the process more accountable and professional and thereby helps in avoiding uncritical tabloid journalism. The politics of the past should not instrumentalize the past for politics.

What is the role of politics?

As said, politicians have an enormous responsibility in interpreting the truth about the past events. Politicians can also make specific decisions to help reconciliation with the past. For example when in Switzerland there was a big debate about the country's role in the Second World War, it was decided that all the relevant archives would be opened to a foreign academic researcher group.
Moreover, in this field best practices should always be shared with other countries. In this regard, for example Norway and Sweden are excellent examples for other countries on the benefits of opening up the archives of secret police. In those countries the activities of the secret police after the Second World War have been in depth researched. These initiatives were made by the parliaments and the victims were given access by law to their own data in the archives.

High quality debate about the past events and reconciliation transfers into the society most often via mediums such as the press and school books. For this reason the content of school books is a deeply important. It can become a matter of fierce political dispute. Civic education should promote critical thinking instead of simplified dichotomies.

Politicians can make significant decisions concerning past events on the basis of initiatives arising from the civil society. For example, in Finland, a book by Elina Sana claimed that there were more Jews delivered to Nazi-Germany in the Second World War than had been earlier estimated. This claim attracted international attention and triggered a perceptive debate in Finland. As a result the Finnish government decided to start a project called "Finland, prisoners of war and extraditions 1939-1955".

What could be the role of European parliament and the European Union?

Whereas the core objective of the European integration process is to ensure respect for fundamental rights, democracy and the rule of law (POISTO: in the future), it is highly appropriate role for EU to contribute to integration of the post-communist societies into common European heritage.

So far EU has been unfortunately unable to close the historical gap between Eastern and Western Europe. How can we ever achieve progress in integration in Europe where violations of fundamental rights remain unsettled?

Existing platforms should be more used, such as UN or the Council of Europe. The resolution of the European Parliament on European Conscience and Totalitarianism from April 2009 has many elements for EU to build on:

- Initiatives for documentation and activities of non-governmental organisations that are actively engaged in researching and collecting documents should be supported financially.

- The resolution also calls for a Platform of European Memory and Conscience to provide support for networking among national research institutes specialising in the subject of totalitarian history. A pan-European documentation centre for the victims of all totalitarian regimes should be created.
- It also calls for the strengthening of the existing relevant financial instruments with a view to providing support for professional historical research.

Finally,

I am convinced that the awareness of history is one of the key preconditions of avoiding violations of human rights in the present and future. Societies that neglect the past have no future.

Europe will not be duly united unless it is able to form a common view and understanding of its history through an open dialogue.

As the European Parliament has stated in its resolution of 2 April 2009, no political body or political party should have a monopoly on interpreting history.

Learning from the past lessons can guide in the present and towards the future. For example, the war against terrorism has led to grave violations of human rights and international humanitarian law. The European Parliament considers that those EU Member States linked to the CIA renditions and illegal detentions in secret prisons on European soil must carry out investigations concerning the allegations and hold those responsible accountable.

As the national security services are engaging increasingly and inevitably more into the transnational cooperation, the question of who supervises them remains. Britain's most senior judges ordered the government to reveal evidence of MI5 complicity in the torture of the British resident Binyam Mohammed. The protection of relations between secret services is not anymore a valid reason to not to publish these files. This ruling matters for two important reasons; the citizens have the right to know and this is an important form of public scrutiny.

To conclude, it has to be guaranteed that rule of law is followed, not only with regards the events taking place today but with regards the past events. That is why our Subcommittee on Human Rights gives a great attention to further developing international justice and accountability.