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His Excellency Laszlo Szoke
Ambassador of the Republic of Hungary
Pod Hradbami 17, Praha 6, Střešovice

In Brno, 14 March 2011

His Excellency, dear Ambassador Szoke

I am writing you on behalf of the Czech Centre for Human Rights and Democratization to express our deep concern for the case relating to the Hungarian legislation which would permit the removal and destruction of the secret police, state security and Ministry of the Interior documentation recently stored at the Historical Archives of the Hungarian State Security in Budapest.

The Czech Centre for Human Rights and Democratization (CCHRD) established under the aegis of International Institute of Political Science, Masaryk University, Brno, Czech Republic, represents independent academic center focusing on impartial scientific research within the field of human rights and democratization. As an organization dedicated to the analysis of human rights from both social science and international law points of view, CCHRD is highly aware of the need to protect and preserve the files creating the foundation for the future research of Hungarian collective memory. We strongly believe that detailed knowledge of history is necessary for better understanding of the communist era, its oppressive regime, and the search for the truth and justice.

There is nothing immoral about the preservation of files recounting the historical events and injustices. Quite to the contrary, many democratic states consider the opening of archives as one of the many steps towards combating the impunity. The access to the files that document activities of the former regimes is irrevocably connected to the transitional justice and national reconciliation. The very first attempt to deal with former secret police informers took place in Germany, where the Gauck-Behörde Agency was appointed to collect and administer the files of STASI. Similar experience is shared by the Czech Republic where the access to files from the communist era was established in 1996 and its widening represents one of the most discussed themes to these days.

Reluctance of the Hungarian government towards the release and free access to the documents is unfortunately not a new issue. In case *Kenedi v. Hungary* (Appl. no. 31475/05), the European Court of Human Rights held that "access to original documentary sources for legitimate historical research was an essential element of the exercise of the applicant's right to freedom of expression." Similarly, the opinion at the level of European Union is, that all states considering themselves democratic shall open all their archives to researchers 30 years after the occurrence of the events in question (e.g. *The memory of the crimes committed by totalitarian regimes in Europe*, COM(2010) 783). The right to know the truth concerning past events about the perpetration of heinous crimes and about the circumstances and reasons that led to their perpetration is identified by the United Nations as one of the three core rights fundamental to preventing revisionism or denial and to the restoration of the rule of law in transitional societies (*Set of Principles to Combat Impunity*, UN Doc.E/CN.4/2005/102/Add.1).

We hope and believe, that the Republic of Hungary will follow the way led by other European democratic states, uphold its responsibility towards the victims of the communist regime, towards history and future generations and cease from the step which would lead into amnesia and oblivion.

On behalf of the Czech Centre for Human Rights and Democratization

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