

Dear Mr. Chairman, Dear Director Herman, Ladies and Gentlemen, Dear Colleagues of the Network,

Thank you for granting me the opportunity to speak with you here, in the hall of the Senate in the Prague parliament building. It is a great honour to be able to represent my agency at this important site of democratic culture and to share with you my thoughts about the political vision that lies behind the legal mandate of this high-level federal agency as well as to reflect on how it has been received by society.

And it is a good opportunity to congratulate the Institute for the Study of Totalitarian Regimes and the Security Services Archive to their 5th anniversary.

When the German Parliament passed the Stasi Records Act in 1991, it honoured the legacy of the revolution of 1989/1990. In its effort to draw lessons from the historical experience of a dictatorship and to take appropriate action, it also entered the uncharted waters of legal policy. Back then, more than 20 years ago, that was not without controversy.

Today nobody seriously demands that the records of the State Security Service cease to be used to coming to terms with the past. Those who once thought that the Stasi Records Act would be unnecessary after a few years are now, no doubt, convinced of its importance.

It has become clear that the Stasi Records Act and the Agency of the Commissioner for Stasi Records were not a temporary after-the-Wall-phenomena; they were instruments used by a constitutional state to react effectively and for the long term to four decades of a dictatorship.

It has now been 22 years since the Stasi Records Act went into effect, establishing the legal foundations for the work of the agency. The law was amended eight times during these twenty-two years, but its core remained true to its objectives. These eight amendments also mean that the law has drawn great interest. Because of its importance, it has had to be repeatedly adjusted and adapted to current needs so that it could continue to provide the right answers according to the demands of society.

Ladies and gentlemen, change is not only expressed in the political arena. Citizens, media representatives, researchers and opinion-makers

make us aware of these new developments. They identify problems in the practical implementation, as well as make suggestions that we discuss internally and with advisory boards.

I feel certain that we would search in vain to find a similar example in German history of an agency whose establishment is traced back and directly related to a democratic and peaceful revolution “from below,” a revolution of the people. This institution is a legacy of that time and that revolution.

From the viewpoint of the civil rights activists of 1990/91, there were two primary tasks to be addressed: dissolving the Stasi apparatus and immediately safeguarding the documents, files and databanks. They wanted the structures and activities of the repressive machinery to be exposed and demanded on behalf of the many victims, information about what machinations they had been subjected to and who the perpetrators were.

The debate over how to deal with the records left behind by the State Security Service carried on for almost two years (1990/91); it was strongly influenced and advanced by representatives of citizens committees and opposition groups of the former GDR, and was

extremely controversial. The demands that were raised covered a broad spectrum ranging from the call for the destruction of the records to the suggestion that they be made accessible without restrictions.

In the end the lawmakers resolved the question of how the files should be handled by deciding to have them made accessible for different purposes under controlled conditions. The “Act regarding the Records of the State Security Service of the former German Democratic Republic” that went into effect on December 29, 1991 forms the legislative conclusion to this debate.

There are approximately 111 kilometres of documents in paper form, including ca. 40 million file cards; further documents on microfilm would be the equivalent of another 47 kilometres of paper when printed out. More than 1.7 million photographs, a good 30,000 film and audio recordings, as well as more than 15,000 bags storing mostly unknown paper fragments from hundreds of thousands of torn-up MfS documents -- were also left behind by the GDR State Security Service. This now forms a remarkably dense pool of archival sources.

This large amount of data forms the basis for the agency’s tasks in accordance with its legal mandate: the historical, political and legal analysis of the activity of the Stasi. This analysis aims to protect the

interests of the victims of repression and tyranny, to inform the public about the nature of dictatorships, and to ensure that perpetrators of the dictatorship do not maintain power. The civil rights activists also fought for the Stasi Records Act so that they could use it to achieve a “change of elite” both peacefully and legally: the secret employees of the MfS should be prevented from regaining influence, or at least not without being identified.

The Stasi Records Act allows for the protection of privacy in many ways: anyone wishing to view their own file only receives access to the information pertaining specifically to him; information about other people is made anonymous. Access to the records for investigative proceedings is also limited to the register of cases listed in the law.

This special law connects the old legal tradition of the Federal Republic of Germany, specifically the discussion over data protection and the rights of individuals to control the use of their personal data, with the interest of civil rights activists to have the records made accessible for the examination of the dictatorship.

Being able to viewing one’s file means giving people the chance to confront their own personal fate, the chance to recognise how the Stasi

exerted power over them. Citizens took advantage of this right to view their own files to a degree that no one could have foreseen when we began, and they continue to do so. The fear that it would cause disputes and strife did not prove true.

Since our agency was founded, almost 3 million citizens have requested to view their files. Even in the last few years ca. 90,000 requests were submitted each year.

The legal rehabilitation of victims and their applications to receive compensation led to a large number of requests submitted by rehabilitation agencies and courts concerned with these cases. By 2012 we had registered almost 490,000 submissions including inquiries related to legal prosecution. The legal prosecution of the SED regime signifies the attempt to achieve a peace under the law and to mitigate the suffering of the victims. But in a liberal democracy this cannot be achieved by criminal sanctions alone. Of central importance is the recognition of victims' demands for compensation and reparations.

Of the approximately 100,000 individuals who were investigated in Germany for typical GDR injustices, only slightly more than 750 were convicted; forty of them went to prison. These numbers demonstrate the difficulty of pursuing legal action in a constitutional state where

individual guilt must be proven and where the statute of limitations and the legal principle denying retroactive law are valid. But with each criminal trial and media coverage, the public received a bit more of the truth about the time of the dictatorship. And that should not be underestimated.

The legislators accorded the agency its own education and research mandate. Its internal research entails scholarly examinations of the structure, methods and effectiveness of the MfS and makes the results available to the general public. In our work we help to convey basic political knowledge, making it possible to form an opinion; we inspire active participation in and for democracy and strengthen faith in democratic institutions.

Within the discourse, the question continually arises as to when the work of the BStU will come to an end -- or at least when the archival holdings and responsibilities will be transferred to another institution. The year 2019 plays a role in this discussion. I would, however, like to stress that this does not reflect the political desire to put this history behind us. That the files remain open and accessible in Germany is no longer a controversial political issue. The numbers I mentioned before that show how much our services are being used convey a clear message. At the moment the year 2019 merely refers to the time when

no further investigations of the civil service in regard to cooperation with the MfS (vetting) will be conducted.

The German Parliament will probably address the development of the BStU's tasks and its long-term perspectives in the next legislative period.

The basic model of the BStU has since the late 1990s set a precedent in the many former communist countries in Europe. They too have recognized the social and political importance of coming to terms with the past for the development of democracy. There is also a strong interest from countries worldwide that are struggling to transform themselves from a dictatorship to a democracy.

Addressing the files of a communist secret service is part of the examination process and makes up the more substantial core of work conducted by the network of institutions addressing their dictatorial past that was founded in 2008. The leading representatives of this network convened here in Prague yesterday. My highly esteemed Czech colleagues are currently responsible for its management. Hopefully each of our expert discussions and joint projects will bring us further along. I look forward to continuing our productive working relationship. Thank you for your attention.