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December 10 is International Human Rights Day

Commentary.

Does fear of prosecution lead to the destruction of archives? Intuition, of course, says yes, but news from several countries in November provided contradictory answers.

The most optimistic news came from Argentina, when an air force general told the defense minister who told the press that 1500 files from the period of the military junta (1976-1983) were stored in the basement of the Condor Building, which is the headquarters of the air force. (The building's name eerily recalls "Operation Condor," the secret alliance between Chile, Uruguay, Paraguay, Bolivia, Brazil and Argentina from 1975 to 1983 in which the security services of the members joined forces to track down and often assassinate people the governments considered "subversives.") The defense minister explicitly recognized that the archives could have value for prosecutions, saying, "The courts will decide if this documentation that we have found contains, aside from historical value, a judicial value for the various cases that are taking place in distinct Argentine jurisdictions." And the director of Memoria Abierta, an important Argentine human rights organization, told the *Buenos Aires Herald*, "Until now, archives were not provided voluntarily . . . they spent decades in demolished basements, without anyone knowing . . . this demonstrates a change of spirit."

Much more somber news came from El Salvador. In 1992, combatants in El Salvador signed Peace Accords ending twelve years of civil war. The next year the government passed the General Amnesty Law, protecting military commanders from being prosecuted for crimes committed during the war. Beginning during the civil war Tutela Legal, the legal and human rights office of the Catholic Church in El Salvador, set about documenting human rights abuses, including massacres, killings and war crimes, amassing by 2013 an archives of 50,000 cases. Pro-Busqueda was founded in 1994 as a nongovernmental organization devoted to locating children who disappeared during the war, amassing 1200 cases with DNA test results, adoption records and related documents; the "vast majority" of the cases of disappearance implicate state actors. Eventually Pro-Busqueda and Tutela Legal brought cases of human rights violations to the Inter-American Court of Human Rights, which in 2012 in the Pro-Busqueda case said the amnesty law violated an international treaty. On September 20 of this year the Constitutional Chamber of the Supreme Court of El Salvador agreed to hear arguments about the constitutionality of the amnesty law. What happened next? On September 30 the archbishop of San Salvador abruptly closed Tutela Legal. On November 14 armed men broke into the offices of Pro-Busqueda, stole computers and burned the archives.

The final example comes from the United Kingdom, where newly released records from the former Colonial Office show in heart-breaking detail the massive destruction of records as the United Kingdom was withdrawing from the soon-to-be-independent colonies. According to *The Guardian*, in 1961 the colonial secretary instructed the colonial administrations that the new

governments “should not be handed any material that ‘might embarrass Her Majesty’s government,’ that could ‘embarrass members of the police, military forces, public servants or others eg police informers,’ that might betray intelligence sources, or that might ‘be used unethically by ministers in the successor government.’” The records include “destruction certificates” that prove the colonial officials obeyed to the directive. Fortunately, some colonies did not destroy massive quantities of records, with the Kenya office declaring, “It is better for too much, rather than too little, to be sent home—the wholesale destruction, as in Malaya, should not be repeated.”

What are we to make of this? That individuals taking responsibility make a difference: they confirm the existence of records, do not follow orders to destroy records, demand that records related to human rights be preserved for use. As Principle 14 of the United Nations’ Updated Set of Principles against Impunity says, “The right to know implies that archives should be preserved. Technical measures and penalties shall be applied to prevent any removal, destruction, concealment or falsification of archives, especially for the purpose of ensuring the impunity of perpetrators of violations of human rights and/or humanitarian law.”

And now can anyone tell us of the fate of archives within Syria?

News of the Human Rights Working Group. The Human Rights Working Group met at Kazerne Dossin in Mechelin, Belgium, during the annual meeting of the International Council on Archives. The group:

- *developed a plan for moving forward the draft “Basic Principles on the Role of Archives in Support of Human Rights,”

- *decided to revise the draft standard agreement on copying archives and exporting copies,

- *agreed that the HRWG would send letters to two United Nations Special Rapporteurs to provide information and offer support to their work,

- *encouraged the ICA to send letters to officials in El Salvador regarding the records of Tutela Legal and Pro-Busqueda,

- *decided to continue to work with the Section of Professional Associations and the Section on Business and Labor Archives to develop a stronger understanding of the role of business archives in human rights issues,

- *noted with pleasure swisspeace’s determination to maintain its online bibliography on archives and human rights,

- *hoped to find additional volunteers to translate *HRWG News* into Spanish, and

- *accepted Alison Cornelio’s resignation and thanked her for her work on the Directory.

International news.

European Court of Human Rights (ECtHR)/Turkey. The European Court of Human Rights ruled that the Turkish government was responsible for a 1994 bombing of two southeastern villages that killed 33 persons, mostly women, children and the elderly. The court ordered Turkey to pay the plaintiffs 2,305,000 euros plus court costs. ECtHR said Turkey withheld from the court “vital evidence, namely the flight log of the planes which had carried out the bombing,” and had made an “extremely inadequate investigation into the incident.” The court ruled that “the Turkish government should carry out further investigative steps into the incident, with the help of the flight log, in order to identify and punish those responsible for the bombing of the applicants’ two villages and prevent further impunity.” Although more than 3000 villages and farm settlements

were burned and razed in the 1990s in the Diyarbakir area of Turkey, “no one has been tried for participating in burning down Kurdish villages,” wrote *Al-Monitor*. In the days following the ECtHR ruling, the Turkish Justice Minister said there would be a new investigation into the bombing and “prosecutors’ sources” leaked to the press a deposition apparently recently given to the public prosecutor in Diyarbakir by a person who had participated in the burning of villages. For the court ruling, see <http://hudoc.echr.coe.int/webservices/content/pdf/003-4563252-5512857>; for commentary, see http://www.al-monitor.com/pulse/originals/2013/11/turkey-may-investigate-military-burning-kurdish-villages-90s.html?utm_source=&utm_medium=email&utm_campaign=8604

International Committee of the Red Cross (ICRC)/United States. A U.S. military court judge presiding over the trial of five U.S. prisoners at Guantanamo Bay who are charged in the September 11 terrorist attack in the United States ordered the U.S. government to give him the reports compiled by the International Committee of the Red Cross on conditions at the prison, the *Associated Press* reported. The ICRC argued against the disclosure, saying “confidentiality is fundamental to the organization’s role in ensuring that humanitarian laws are followed,” but the judge ruled that the records are not classified and they cannot be withheld in a criminal case but that he personally would review them to determine whether they would be useful for the defense. <http://bigstory.ap.org/article/us-ordered-turn-over-red-cross-files-gitmo>

International Court of Justice (ICJ)/Cambodia/Thailand. The 900-year-old Hindu temple of Preah Vihear sits on the border between Cambodia and Thailand. In 1954 Thailand occupied it, and in 1959 Cambodia took its claim to the temple and its surroundings to the ICJ. The Court decided in 1962 that the temple is located in Cambodian territory and that Thailand had to withdraw its forces. Thailand acknowledged that Cambodia has the temple, but it disputed the boundary around the temple. In 2008 UNESCO listed the temple as a World Heritage Site, and in 2011 the conflict between the two countries escalated into violence in which at least 28 people died and many more were displaced. Cambodia then asked the ICJ to “interpret” its 1962 judgment with regard to the extent of the territory around the temple owned by Cambodia. Now the Court has ruled that Cambodia has sovereignty over the whole territory of the temple and Thailand must withdraw its military personnel from the area. The map attached to the 1962 decision was the definitive document, ICJ decided. For the press release on the decision, see <http://www.un.org/apps/news/story.asp?NewsID=46461&Cr=court+of+justice&Cr1=#.UpuUfCYo7cs>; for the judgment, see <http://www.icj-cij.org/docket/files/151/17704.pdf>

International Criminal Tribunal for the former Yugoslavia. British General Richard Dannatt testified at the trial of Ratko Mladic on November 11, describing Bosnian Serb Army documents he had reviewed, *BIRN* reported. Among them were Mladic’s military notebook and the personnel evaluation (“staff appraisal”) that Mladic did of General Radislav Krstic after Srebrenica, providing an example of the use of varied military documents, not just orders and field reports, in evidence. http://www.balkaninsight.com/en/article/mladic-had-control-of-army?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=3476bbe8b1-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-3476bbe8b1-311109073; for the testimony, see <http://www.icty.org/x/cases/mladic/trans/en/13111IT.htm>

International Organization for Standardization/International Electrotechnical Commission Joint Technical Committee. The ISO/IEC is developing a multi-part standard on discovery for legal purposes of electronically stored data. The new standard, ISO/IEC 27050 *Information technology – Security techniques – Electronic discovery*, is planned as four parts: overview and concepts, guidance for governance and management of electronic discovery, Code of Practice for electronic

discovery, and ICT readiness for electronic discovery. The third part, said the press release from the American National Standards Institute, will “provide requirements and guidance on activities in electronic discovery, including, but not limited to identification, preservation, collection, processing, review, and analysis and production of ESI [electronically stored data] as well as specifying relevant measures that span the initial creation of ESI through its final disposition.” Future legal proceedings will rely on electronic records discovered through data mining and data retrieval techniques; archivists should watch the development of the standard to ensure that the recommendations harmonize with archival practices.

http://www.ansi.org/news_publications/news_story.aspx?menuid=7&articleid=3789

United Nations Compensation Commission (UNCC)/Kuwait. The United Nations Compensation Commission was established in 1991 as a subsidiary of the Security Council to process claims and pay compensation for losses and damages incurred by individuals, corporations, governments and international organizations as a direct result of Iraq’s invasion and occupation of Kuwait (2 August 1990 to 2 March 1991). The Commission received approximately 2.7 million claims and completed its review in 2005, awarding \$52.4 billion to over 100 governments and international organizations to distribute to 1.5 million claimants. Kuwait, at the meeting of the UNCC governing council, said the Commission “should speed up the process of returning some of Kuwait’s classified and confidential documents” which “were submitted on written and oral understanding that they would be returned once the claims review process was completed,” the *Kuwait News Agency* reported.

<http://www.kuna.net.kw/ArticleDetails.aspx?id=2346126&language=en> ;

<http://www.uncc.ch/pressrel/Press%20release%20-%20Payment%20of%2024%20October%202013.pdf>

World/general news.

The Swiss Federal Council approved the total revision of the Law on the Protection of Cultural Property. Among the important new provisions is the legal authority to provide a “safe haven” for the temporary storage of cultural property, including archives, seriously threatened in other countries, including in disaster and emergency situations. By enacting this much needed law, Switzerland became the first country in the world to offer this official protection. On behalf of colleagues worldwide, thank you, Switzerland. Thank you, too, to Cristina Bianchi for bringing us this news and translating the key provision. For the text, see

<http://www.bevoelkerungsschutz.admin.ch/internet/bs/fr/home/dokumente/mitteilungen/20131112a.html>

German officials announced that they have in custody over 1400 pieces of art seized from the son of an art dealer who was selected by the Nazis to sell to buyers abroad the works of art banned by the Nazis and confiscated by them. The German government has begun putting images of the art on a website <http://www.lostart.de/Webs/DE/Start/Index.html>. According to the *New York Times*, an “enduring Nazi law impedes the recovery of the art by former owners or their heirs.” And the *BBC*, quoting the *Suddeutsche Zeitung*, reported that “transcripts of interviews conducted by the Allies with the art dealer” reveal that at the end of the war the Allies gave back to him some of the pieces of art now in contention. Archives will play an important part in resolving the ownership questions. <http://www.nytimes.com/2013/11/20/arts/design/enduring-nazi-law-impedes-recovery-of-art.html?adxnnl=1&adxnnlx=1386029535-FqYg9CsVR8pz1yhTfHc1FQ>;
<http://www.bbc.co.uk/news/world-europe-24832714>

Bilateral and multilateral news.

Europe. Scientists working with the European Union's Chemsea project have found mustard gas contamination in the Baltic Sea within a "few hundred feet" of the Polish coast, *United Press International* reported, and the residual gas is still dangerous to humans. After World War II "British and Russian Allies forces decided under an international agreement to sink tons of German chemical weapons and precursors" into the Sea. British and Russian archives surely have information that would be relevant to the researchers.

http://www.upi.com/Business_News/Energy-Resources/2013/10/28/Mustard-gas-traces-found-close-to-Polands-Baltic-Sea-coast/UPI-31521382932920/

Germany/Poland/United States. The *Associated Press* last June reported that Michael Karkoc, who lives in the U.S. state of Minnesota, was a former commander of a Nazi SS unit who ordered a Polish village razed and "dozens" of women and children killed (see *HRWG News* 2013-06). Now the *AP* says that "a newly unearthed investigative file originally from the Ukrainian intelligence agency's archive" includes testimony from a person in the unit who said Karkoc ordered the assault and that a "German roster of the unit" confirms that the man testifying was in the unit. <http://www.startribune.com/politics/national/232322631.html>

Germany/United Kingdom. Tennants Auctioneers in the U.K. offered for sale 66 telegrams that were sent from the HMS *Repulse* to the German High Command in the two weeks after the Armistice at the end of World War I. According to *The Northern Echo*, the telegrams include the terms of surrender for 176 U-boats and 70 ships, how torpedoes and aircraft were to be disarmed, and a demand that the Germans end the "cruel treatment" of British prisoners of war, threatening "to take the British soldiers' treatment into account when considering supplying food to the defeated country." Estimated at between 1500 and 2000 British pounds, the telegrams did not sell. The *Repulse* captain's stamp is on the telegrams, and it is not clear why they are not in the national archives. <http://www.tennants.co.uk/Catalogue/Lots/214554.aspx>; http://www.thenorthernecho.co.uk/news/local/northyorkshire/richmond/10803878.German_fleet_surrender_telegrams_may_shed_new_light_on_First_World_War/

Guatemala/Mexico/United States. Using a set of declassified U.S. diplomatic cables obtained by the National Security Archive, a U.S. nongovernmental organization, Mexico's *Proceso* magazine published an article highlighting the "collusion of Mexican municipal, state and federal officials" with the murders of "hundreds" of migrants in and around San Fernando, Tamaulipas, by Los Zetas, a criminal gang in Mexico that includes former members of the Guatemalan special forces unit known as the Kaibiles. The Kaibiles were responsible for serious crimes during the Guatemalan civil war. <http://migrationdeclassified.files.wordpress.com/2013/11/pdf-proceso-1931-pp16-19.pdf>; for an English blog post about the article, see <http://migrationdeclassified.wordpress.com/2013/11/04/secrets-of-the-tamaulipas-massacres-come-to-light-in-proceso-magazine/>; for the documents, see <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB445/>

Iraq/United States. The Conference of Presidents of 40 U.S. Jewish organizations sent a letter to the U.S. President and the Secretary of State, urging that the planned return to Iraq of the Iraqi Jewish archives "be reconsidered." The Iraqi ambassador to the U.S. "hinted" that a delay in the return might be possible, reported *Forward.com*. For background, see *HRWG News* 2013-10. <http://forward.com/articles/187203/iraq-ambassador-open-to-loan-deal-for-trove-of-jew/> <http://www.conferenceofpresidents.org/news/press/2013/nov11/over-40-organizations-join-conference-presidents-statement-calling-protectio-0>

<http://www.docexblog.com/2013/11/blueprint-for-litigation-over-iraqi.html>

Japan/South Korea. The *Japan Daily Press* reported, based on a *Yonhap News Agency* story, that “documents pertaining to the start of ‘forced labor’ for Koreans during Japan’s colonial rule of the Korean Peninsula were found in . . . the South Korean Embassy in Tokyo as they were preparing to move to a new compound.” One registry “showed detailed information about 630 Koreans killed during the March 1 national uprising against . . . colonial rule in 1919” and another listed “290 Koreans who fell victim to the Japanese massacre following the so-called Great Kanto Earthquake.” The materials are now in the National Archives of Korea and could lead to new compensation suits against Japan, *Yonhap* wrote in a follow-up story.

<http://japandailynews.com/documents-on-wwii-korean-forced-labor-found-in-south-korean-embassy-1839652/>;

<http://english.yonhapnews.co.kr/national/2013/11/25/27/0301000000AEN20131125007900315F.html>; http://blogs.wsj.com/korearealtime/2013/11/20/korean-archival-finds-could-prompt-compensation-claims/?mod=wsj_streaming_latest-headlines

The National Archives of South Korea announced that it plans to designate as “critical records with national value that require permanent preservation” some 3,060 records of the “House of Sharing.” The House is a home for the women who survived Japanese sex slavery during World War II. The records include “the women’s voice recordings, drawings, belonging, and photos and videos of rallies staged by the women against the Japanese government,” *Yonhap News Agency* reported. <http://japandailynews.com/documents-on-wwii-korean-forced-labor-found-in-south-korean-embassy-1839652/> [claims http://stream.wsj.com/story/latest-headlines/SS-2-63399/SS-2-387528/](http://stream.wsj.com/story/latest-headlines/SS-2-63399/SS-2-387528/)

United Kingdom/Former Colonies. The eighth and final batch of records from the British colonial administrations in 37 former colonies, the so-called “migrated archive” of 8800 files, was opened at the National Archives (For background see *HRWG News* 2013-06, 2013-09). *The Independent* reported that relatives of “24 Malayan rubber plantation workers allegedly murdered by British soldiers in the Malayan village of Batang Kali in 1948” have asked the Court of Appeal to overturn a previous ruling that “the British government cannot be held responsible for the massacre.” “Most of the records of the original investigation into the killings were destroyed,” said the newspaper, and the records released in this batch shed light on the destruction.

<http://www.dailymail.co.uk/news/article-2515353/How-UK-ordered-Mau-Mau-files-destroyed-Archives-reveal-staff-cleansed-dirty-documents-relating-colonial-crimes.html>

<http://www.independent.co.uk/news/uk/home-news/revealed-how-british-empires-dirty-secrets-went-up-in-smoke-in-the-colonies-8971217.html?printService=print>

<http://www.theguardian.com/uk-news/2013/nov/29/revealed-bonfire-papers-empire?CMP=EMCNEWEML6619I2>

A separate body of previously secret records from the Foreign Office called “Special Collections” (see *HRWG News* 2013-10) includes files of “a British intelligence organization” in Hong Kong and records of immigration, among others, reported the *South China Morning Post*.

<http://www.scmp.com/news/hong-kong/article/1352229/hong-kong-documents-hidden-uk-archive-include-intelligence-files>

United States/Middle East. The Task Force on Preserving Medical Professionalism in National Security Detention Centers, an independent panel of 19 experts, issued its report, “Ethics Abandoned: Medical Professionalism and Detainee Abuse in the War on Terror.” The panel “charged that U.S. military and intelligence agencies directed doctors and psychologists working

in U.S. military detention centers to violate standard ethical principles and medical standards to avoid infliction of harm.” The Task Force report says its findings are “based on the existing public record, including policies, rules, and guidelines from relevant agencies; documents the government has released under the Freedom of Information Act; documents filed in judicial proceedings; reports of human rights organizations, journalists, and scholars; and reports from the ICRC [International Committee of the Red Cross] that have been leaked and now appear in the public domain. The existing public records is incomplete because many documents released by the Department of Defense and CIA are heavily redacted and interrogation logs remain classified.” For the press release, see [http://www.imapny.org/medicine as a profession/interrogationtorture-and-dual-loyalty](http://www.imapny.org/medicine%20as%20a%20profession/interrogationtorture-and-dual-loyalty) ; for the report, see <http://www.imapny.org/File%20Library/Documents/IMAP-EthicsTextFinal2.pdf>

National news.

Argentina. The Defense Ministry announced that “around 1500 files” were found in the basement of the headquarters of the Argentine Air Force, *Merco Press* and others reported. Included in the records are “all of the secret minutes [of the military junta] from March 24 [1976] to December 10, 1983” and information relating to “black lists” of entertainers and public figures and to open legal cases. <http://www.pagina12.com.ar/diario/elpais/1-232920-2013-11-05.html>; <http://en.mercopress.com/2013/11/05/argentina-finds-archives-belonging-to-the-military-dictatorship>; <http://www.buenosairesherald.com/article/144570/expectations-high-over-archive-find>; <http://www.opensocietyfoundations.org/voices/newly-discovered-military-archives-may-throw-light-past-abuses-argentina>

Australia. Public metadata on files held in the Queensland State Archives was found to contain sensitive information from the Department of Justice and Attorney General and the Police, including “the names of people who have come into contact with [the Department of Justice] as well as investigations before the courts.” *iTnews* described it as a “worrying level of detail” and said the Archives in the future will require “agencies to explicitly authorize whether or not the metadata for closed records is to be released in the public catalogue.” http://www.itnews.com.au/News/362941.qld-justice-accidentally-discloses-sensitive-data.aspx?utm_source=feed&utm_medium=rss&utm_campaign=editors_picks

The Inspector General of Intelligence and Security, responsible for reviewing the security and intelligence agencies, said that for reasons of information security, the IG office does “not send emails, except internally,” choosing instead to communicate externally “mainly in paper,” *zdnet.com* reported. <http://www.zdnet.com/au/australian-spy-watchdog-uses-paper-instead-of-emails-7000023461/>

Bosnia. Parliament adopted changes to the Law on Personal Numbers which provides an identification number to every citizen at birth, ending the crisis which began when a previous law on identity numbers was annulled in February and no more numbers were issued, leaving infants without health care cards and without the ability to obtain passports. For background, see *HRWG News* 2013-06 and 2013-07. <http://www.balkaninsight.com/en/article/bosnian-parliament-adopts-personal-number-law>

The project team of “Oral History in Bosnia and Herzegovina: Unveiling Personal Memories on War and Detention” announced that over 100 people have given interviews, from “all ethnic groups and national minorities.” The purpose of the project is to promote reconciliation after the

1992-1995 war, *BIRN* reported, and the first interviews are available at the project website. http://www.balkaninsight.com/en/article/bosnian-memories-to-build-reconciliation?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=c56469d9c1-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-c56469d9c1-311109073

Canada. Canada “today is one of the few nations with no laws governing abortion,” wrote the *Chronicle Herald*, and federal cabinet documents from the late 1980s, recently obtained under the Access to Information Act, show the “tensions between ministers who wanted abortion outlawed—indeed punishable by up to 10 years in prison for those who performed the procedure—and those who wanted a far greater latitude on a woman’s right to choose.” <http://thechronicleherald.ca/canada/1168056-documents-reveal-abortion-struggles>

According to the *Times Colonist*, Veterans Affairs Canada, with the approval of Library and Archives Canada, destroyed 27,381 boxes of medical files from veterans’ hospitals. The article features the story of a man who spent six months in the veterans’ hospital in the mid-1970s; he says the destroyed records would prove that his health problems stem from procedures there. <http://www.timescolonist.com/military-hospitals-destroyed-thousands-of-medical-records-says-veteran-1.708426>

Central African Republic. Satellite images of 16 villages in the Central African Republic show them destroyed in whole or in part during the escalating conflict there. Human Rights Watch published a set of satellite images on one village which demonstrate the value of this type of documentation as evidence; the report is telling titled, “What a War Crime Looks Like from Space.” <https://www.hrw.org/news/2013/11/26/dispatches-what-war-crime-looks-space>

China/Hong Kong. The *South China Morning Post* called the government’s destruction of archives “one more dirty government secret.” It reported that the Archives Action Group’s complained to the Ombudsman that Hong’s Kong’s arrangements for safeguarding public records are “hopelessly inadequate.” The Group told the press that “the tragic Lamma ferry crash in 2012, which killed 39 people, illustrated the haphazard management of records in the Marine Department.” <http://www.scmp.com/business/article/1357334/destruction-archives-one-more-dirty-government-secret>

Czech Republic. The Nation’s Memory Institute released previously classified documents showing that Andrej Babis, the leader of the party that came in second in the October 2013 elections for parliament, was registered as an informant for the Czech secret police, the StB, in 1980 and became an agent two years later. Persons who collaborated with the secret police can be barred from holding public office in the Czech Republic; Babis denies the affiliation, reported the *New York Times*. http://www.nytimes.com/2013/11/13/world/europe/czech-politician-faces-claims-of-aiding-secret-police.html?_r=0

Czech Radio 7 interviewed Michal Bregant, the director of the National Film Archive. He said that during the 40 years of the Communist government, “the biggest concern of all memory institutions, libraries, was how to preserve the integrity of collections.” In the Film Archive there were “all kinds of games with mislabeling, misplacing films, like the documentary footage from the political trial of Milada Horakova of 1949.” <http://www.radio.cz/en/section/one-on-one/staff-ruses-helped-preserve-valuable-footage-during-communism-says-nfa-head-bregant>

Egypt. The Council of Ministers announced it would review all pardons issued during the presidency of Mohammed Morsi (June 30, 2012, through July 3, 2013), *Al-Monitor* reported. According to a legal expert interviewed by the reporter, pardons require that a final sentence has been issued; a review of the pardons would require both the records of the pardons and the records of the sentencing. http://www.al-monitor.com/pulse/originals/2013/11/egypt-decision-review-morsi-pardons.html?utm_source=&utm_medium=email&utm_campaign=8631

El Salvador. Armed men broke into the office of Pro-Busqueda, a nongovernmental organization that works to locate children missing from El Salvador's 1980s civil war, and set fire to the archives and stole computers. According to the *Los Angeles Times* and other sources, about 80% of the archives were destroyed. The government's human rights prosecutor condemned the attack. <http://bigstory.ap.org/article/armed-men-burn-records-el-salvador-war-missing>; <http://www.latimes.com/world/worldnow/la-fg-wn-gunmen-torch-records-rights-group-salvador-20131114,0,5788558.story#axzz2keoNRaFj>; for the prosecutor's statement, see <http://www.pddh.gob.sv/menupress/menuprensa/531-comunicado-publico-del-procurador-para-la-defensa-de-los-derechos-humanos-en-torno-al-atentado-en-contra-de-pro-busqueda>

As reported in *HRWG News* 2013-10, the Archbishop of San Salvador abruptly closed the office of Tutela Legal, the legal office that has very significant documentation on human rights abuses in the country. According to the Council on Hemispheric Affairs, the Archbishop and the Attorney General "reached an agreement on the need to protect the documents," but after the Secretary of Culture "attempted to declare the archives 'cultural goods,' in order to subsequently make them available to the proper legal authorities," the Archbishop complained to the Supreme Court that the categorization was unconstitutional. The Court ruled that the "records would be retained by the Archdiocese for the time being." The fate of the archives is still uncertain. <http://www.eurasiareview.com/17112013-human-rights-archives-attack-el-salvador-oped/>

France. A French court ordered Google to remove nine images of former Formula one car racer Max Moseley, pay him 1 euro compensation, and be fined 1000 euros every time that one of the images is found through the Google search engine starting at the beginning of next year, reported the *New York Times*. Google said it will appeal because "the French court has instructed us to build what we believe amounts to a censorship machine." http://www.nytimes.com/2013/11/07/business/international/google-is-ordered-to-block-images-in-privacy-case.html?_r=0

Japan. The Records Management Society of Japan is deeply concerned that the state secrets bill passed by the National Diet "will infringe the fundamental human rights ensured by the Constitution of Japan." The open letter from the Society is appended to this newsletter. Thank you to Chiyoko Ogawa for sending it.

Kenya. Muslims for Human Rights and the Open Society Justice Initiative released a report, "We're Tired of Taking You to the Court," that details "credible allegations of extrajudicial killings, the beating of numerous suspects, arbitrary detention, renditions, and the disappearance of at least one man" by the Anti-Terrorism Police Unit since 2007, with the majority of abuses occurring in Mombasa in 2012 and 2013. The report is based on "over 40 in-person interviews" and "information from court documents, other documentary evidence, reputable human rights organization reports and news outlets." <http://www.opensocietyfoundations.org/press-releases/kenya-must-investigate-abuses-its-anti-terrorism-police-unit>

Latvia. The collapse of a Riga supermarket roof killed 54 people and injured dozens more. A construction company was "installing a garden on the roof" at the time of the collapse, *Transitions*

Online reported, and the six members of the city construction board “who authorized documents for construction work” have been suspended. *Baltic Course* added that the construction company gave the officials investigating the collapse “all the necessary information and documents at the disposal of the company.” http://www.baltic-course.com/eng/real_estate/?doc=84128
http://www.tol.org/client/article/24063-eurovision-plotters-sentenced-in-baku-experts-probe-cause-of-riga-store-collapse.html?utm_source=TOL+mailing+list&utm_campaign=b555464be3-TOL_newsletter_27_8_2012&utm_medium=email&utm_term=0_35d0a711b5-b555464be3-298065710

Serbia. Two Serbian Army officers were indicted for the killings of 27 people during the attack on Trnje on March 25, 1999, *BIRN* reported. The Humanitarian Law Center, a nongovernmental organization in Belgrade, last March published a dossier with documents on crimes of 549th Motorized Brigade (see *HRWG News* 2013-03). http://www.balkaninsight.com/en/article/serbia-brings-charges-against-army-officers-for-kosovo-crimes?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=6085ad637b-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-6085ad637b-311109073

Former Serbian state security chief Rade Markovic, while testifying before the Serbian state commission set up to investigate the killings of journalists in the 1990s, warned that commission “that he and his wife will reveal 15 state security files that ‘could endanger the state’ if the investigation is not stopped,” *BIRN* reported. Markovic is in jail serving a 40-year sentence for his role in the attempted assassination of a Serbian politician, but he said that his wife will move to Croatia if the investigation proceeds “while 15 files will be published all over the European press.” http://www.balkaninsight.com/en/article/ex-state-security-boss-claims-to-reveal-top-files?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=9ff8ea657a-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-9ff8ea657a-311109073

Sri Lanka. The government announced the start of a six-month “island-wide census to assess the loss of human life and damage to property” during the civil war that ended in May 2009. The head of the census department told *Agence France Press* that “the public will be asked to substantiate the claims of deaths, missing and property damage,” although he did not specify what documentation would be required. <http://www.radioaustralia.net.au/international/2013-11-29/sri-lanka-says-nothing-to-hide-as-it-begins-counting-war-dead/1227060>

Syria. The Oxford Research Group published a study, “Stolen Futures: The Hidden Toll of Child Casualties in Syria.” Using “information on demographics and causes of death records” in four casualty databases maintained by Syrian nongovernmental organizations located outside the country but in close contact with persons in Syria, the Group reported that by the end of August 2013, 11,420 children aged 17 years and younger had been killed, out of a total of 113,735 civilians and combatants killed. “By far the primary cause of death reported for children was explosive weapons,” the study found, adding that the chemical attacks in Ghouta on 21 August 2013 killed 128 children and in “at least” 112 cases children, “including some of infant age,” were tortured and killed. The databases are “often supplemented by documentary evidence including photos, videos and other material associated with the victim or their funeral.” The report gives an especially good description of the sources and information collection practices of the NGOs and the problems of comparability between the databases. http://oxfordresearchgroup.org.uk/publications/middle_east/press_release_new_report_stolen_futures_hidden_death_toll_child_casualties

The Euro Mediterranean Human Rights Network issued a report on violence against women in the Syrian conflict. It estimates that “some 6,000 women have been raped since the start of the conflict in March 2011” and “hundreds” have been “subjected to arbitrary arrests and enforced disappearances and have undergone various forms of torture in state detention facilities.” The report is based “on first hand testimonies gathered between January 2013 and June 2013” that “are organized in documentation files.” Like the databases maintained by the groups that were used to produce the Oxford report (above), records assembled by NGOs during periods of conflict are critical evidence. <http://www.bbc.co.uk/news/world-middle-east-25100122>; for the report see <http://www.euromedrights.org/eng/wp-content/uploads/2013/11/Doc-report-VAW-Syria.pdf>

Turkey. At least four ethnically Armenian women, all 80 years or older and living alone, have been attacked in Istanbul over the past year. One died. A man, also of Armenian origin, was arrested for the murder, but the family of the victim and their attorney “were barred access to the crime-scene report and photos and other related police documents” for six months before the trial “because the prosecution had imposed a secrecy decision . . . [that] is used mostly in cases of organized crimes or in cases related to state security,” *Al-Monitor* reported. Human rights groups are concerned that these attacks may be hate crimes against Turkey’s Armenian minority, in which case the arrested man may be a “pawn, with the real perpetrators at large.”

http://www.al-monitor.com/pulse/originals/2013/11/elderly-armenian-women-hate-crimes.html?utm_source=&utm_medium=email&utm_campaign=8631

United Kingdom. The panel that investigated the deaths of 96 people at the Hillsborough sports stadium in 1989 recommended that historical records held by police forces be brought under a regular access procedure. Now the government has established a working group to consider “how to bring the police in line with other public bodies, including the government, which already makes records accessible after a certain period of time.” In making the announcement, the Policing minister said, “The work of the Hillsborough Independent Panel showed how hugely significant information can be found in historical police records.” The working group is to report by the end of June 2014. For background, see *HRWG News* 2012-09.

<http://www.liverpoolecho.co.uk/news/liverpool-news/hillsborough-independent-panel-change-way-6267782>

The government plans to “open up the use of patient information,” from medical records to commercial companies, reported *The Guardian*, adding that there are “growing concerns” over the privacy of the information. <http://www.theguardian.com/society/2013/nov/24/fears-grow-open-access-patient-records>

United Kingdom/Jersey. A tip-off to police led them to some 500 “papers” of Jersey Occupation files from the Second World War that were stolen from the Bailiff’s Chambers in 1992. The recovered documents relate “to the treatment of Jewish people in Jersey” as well as “information about rationing and control of textiles and footwear,” reported *channelonline.tv*.

http://www.channelonline.tv/channelonline_jerseynews/displayarticle.asp?id=507987

United States. The *Washington Post* featured an article on the Federal government’s Death Master File, a database containing all death reports received from the states and territories. The problems with the file, from clerical errors to unverified reports, result in dead people counted as living (and so millions of dollars of benefits go to their bank accounts) while other people who are alive are mistakenly on the list of deceased and are unable to get benefits.

http://www.washingtonpost.com/politics/agencies-cant-always-tell-whos-dead-and-whos-not-so-benefit-checks-keep-coming/2013/11/03/5e0b89f6-40be-11e3-a751-f032898f2dbc_story.html

In another sales story (see Germany/United Kingdom above), Harper's Books in New York advertised for sale a collection of patient identification cards and incident reports from the Boston State Hospital, a mental hospital that closed in 1979. The Massachusetts State Government intervened and the listing was removed, but how the sensitive personal information ended up in the hands of a private manuscripts dealer remains a mystery.

<http://www.abaa.org/books/664258272.html#>

On the 50th anniversary of the assassination of President John F. Kennedy in Dallas, Texas, the Dallas County District Attorney gave *CBS News* access to twelve boxes of records of the prosecution of Jack Ruby, who killed Kennedy's assassin, Lee Harvey Oswald.

<http://www.digtriad.com/news/national/article/306652/175/Jack-Ruby-Files-Revealed-For-First-Time-In-50-Years>

United States/Pennsylvania. The *Pittsburgh Post-Gazette* reported that a former employee of the University of Pittsburgh Medical Center at McKeesport, Pennsylvania, gained unauthorized access to the records of nearly 1,300 patients, including names, dates of birth, contact information, treatment and diagnosis information and Social Security numbers. <http://www.post-gazette.com/local/2013/11/27/UPMC-Former-employee-compromised-records-of-1-300-patients/stories/201311270203>

Publications

A new video documentary, "Keep Your Eyes on Guatemala," about the work of forensic anthropologists and archivists in the Guatemala National Police Historical Archives, premiered. Produced and directed by Gabriela Martinez Escobar and supported by the University of Oregon, the video will be available on line through Creative Commons after it is shown in Guatemala. It is available in English and Spanish and runs 54 minutes.

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Appendix 1

Emergency statement by the Records Management Society of Japan concerning the contentious state secrets bill proposed for the National Diet of Japan: from the perspective of archives management rules and human rights

We, the Records Management Society of Japan, since its establishment in 1989, have aimed to conduct scientific research on human behavior on records and to respond to practical needs on records management, upon acknowledgement of importance of records. Given this aim, we have appealed for the Public Records and Archives Management ACT (hereafter PRAMA) to the Japanese society. Our efforts led to the enactment of the PRAMA in 2009(*). We will watch whether this act is operated properly and hope that it will contribute to appropriate records management system and regulations in local governments in Japan.

However, we are concerned that the contentious state secrets bill (hereafter the bill), which the Japanese government submit to the National Diet of Japan, is still too controversial to be enacted, since opinions at various communities in Japan are divided on the bill. Therefore, we hope that the bill will be under full review to avoid impetuous enactment during the current Diet session.

Here we, the Records Management Society of Japan, demand the Diet members to discuss the bill on the following points of view:

1) Prospective revision of the PRAMA, including:

- Covering the lack of rules on the classification and declassification of public records,
- Covering the lack of rules on punishment for the public officials who ignore the PRAMA, i.e. the rules for appropriate public records management,
- Ensuring the public's right to know, and so forth.

We demand that the rules on the way to deal with records concerning state secrets, including the classification and declassification rules, should be included into the PRAMA.

2) Concerns on infringements of human rights

We are concerned that several definitions on the bill, including “security clearance (i.e. inspection on public officials who deal with state secrets)” and “acquisitions of contentious state secrets,” may go against fundamental human rights defined on the Constitution of Japan. We demand the Diet members to consider that such definitions should not be included if they conflict with the fundamental human rights on the Constitutions, including freedom of thought, beliefs and expressions, which should be respected for individuals in Japan. We stress that it is not people, but secret records and information, to be managed and controlled. We demand the rules in this respect.

For those reasons, we, the Records Management Society of Japan, express deep concern against the enactment of the contentious state secrets bill, which will infringe the fundamental human rights ensured by the Constitutions of Japan, from the perspective of archives management rules and human rights.

(*)See: Public Records and Archives Management Act (Tentative translation) by the Ministry of Justice, Japan.

<http://www.japaneselawtranslation.go.jp/law/detail/?id=2114&vm=04&re=02&new=1>

November 25, 2013

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