

News from the ICA Human Rights Working Group

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Universal Declaration of Human Rights, Article 2. *(1) Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (2) Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.*

Article 2 focuses on non-discrimination in two distinct paragraphs. The first paragraph provides a list of categories that cannot be used to discriminate against persons; this list is an expansion of the UN Charter's prohibition of discrimination on the basis of "race, sex, language or religion." It provides a tool for every human rights campaigner who believes that discrimination has occurred in one of the categories listed. The second paragraph must be read in the context of the times. In 1948 much of Africa and large parts of Asia were still under colonial rule; moreover, other areas were United Nations "trust territories." This paragraph sought to ensure that persons whose country did not have self-rule were afforded all the rights of any person whose country was self-governing.

The archival implications of Article 2 are sweeping. Records of governments, educational and religious institutions, political parties and social groups: all these may contain information on the unequal treatment of persons. Discrimination based on language, for example, may be reflected in the records of courts and whether interpreters are provided if the person speaks a language other than that used by the courts; it also may be reflected in election records and the provisions made for ballots that accommodate persons who are illiterate or who speak a language other than one of the official languages of the country.

The second paragraph leads directly to the records of colonial and trust territory administration. While many of the colonial records were and are held in the colonial seat of government and other records of colonial administration were brought to the governing power from the colony before or at the time of independence, other very important colonial records were left in the former colony. Whether Belgian records in Burundi, British records in Sierra Leone, German records in Tanzania, or Spanish records throughout Latin America, these "left behind" colonial records are as crucial for human rights matters as those sent to London, Madrid or the Archives nationales d'outre-mer in Aix-en-Provence. In addition, the United Nations has the responsibility for oversight of UN trust territories. The Department of Political Affairs administers the oversight through its Decolonization Unit, and the records of that office are part of the UN Archives in New York. Archivists, both in former colonial powers and former colonies, in national governments and the UN, preserve these unique records.

Archives on the agenda of the High Commissioner for Human Rights (*Item contributed by Perrine Canavaggio*). During the 4th session (March 2007) of the UN Council of Human Rights a side event was organized with the assistance of archivists and the Government of Switzerland to raise awareness of the importance of archives. Two years later, the annual report delivered by the High Commissioner at the 12th session (September 2009) of the Council included a study of the best practices related to records and archives concerning gross violations of human rights. The report recommended strategies to reform and reinforce national archives systems as well as measures to preserve the records of the transitional justice institutions, such as national and international criminal tribunals and extra judicial commissions (for example, truth commissions). Most of these measures come from a study on archives and human rights prepared by Trudy Huskamp Peterson at the request of the High Commissioner, to be published in 2010 in the series *Rule of Law Tools for Post Conflict States*. The Council invited the High Commissioner to organize a seminar on the importance of public archives organization and management as a means of guaranteeing the right to the truth and to present the results of these consultations at its 17th session (2011).

The question of archives was also a focus of the second regional Conference on Transitional Justice: A Way towards Reconciliation and Construction of a Sustainable Peace, which was held in November 2009 in Yaoundé, Cameroun. Organized by the United Nations Center on Human Rights and Democracy in Central Africa, the Swiss Federal Department of Foreign Affairs and the French Ministry of Foreign Affairs, this conference gathered 80 experts, including Perrine Canavaggio of the ICA's Human Rights Working Group, and human rights defenders from French speaking Africa. In their final recommendations the participants outlined the importance of archives and their signal role. They insisted that post-conflict states need to give archives an appropriate legal framework and to staff the archival institutions with well trained professionals.

Archives of the International Criminal Tribunal for the former Yugoslavia. On February 23 and 24, the International Criminal Tribunal for the Former Yugoslavia (ICTY), the Government of the Netherlands, and the University of California at Los Angeles School of Law held a conference on the legacy of ICTY. Bridget Sisk, the UN archivist, and Elizabeth Emmerson, the archivist of the ICTY Registry, were speakers. The participants repeatedly urged that the archives of the tribunals be preserved, accessible and professionally managed. A formal report of the proceedings will be published by Martinus Nijhoff Publishers.

International Justice Tribune. The International Justice Tribune, which had ceased publication, is once again producing a free bi-weekly email newsletter. It focuses on current court cases, particularly those of the International Criminal Court and the international tribunals. To subscribe, http://rnw.dmd.omroep.nl/x/plugin/?pName=opt_in1&MIDRID=S7Y1Mvqfa2toYmT5v8jWxMDIEAAh29&Z=553915

“Of Condors and Judges.” Giulia Barrera of the Direzione Generale per gli Archivi (national archives of Italy) has published an article based her work with the judicial investigation and prosecution of intelligence agents of the South American “Operation Condor.” It is in Archival Science (2009) 9:203-214. Thanks to Giulia for sending a copy of this article.

News.

Argentina. The National Archives of Memory delivered to a federal judge documents identifying 3,952 civilians and 345 army personnel who worked for Battalion 601, said to be the “brain” behind the repression during the 1976-1983 “dirty war” of the military regime. <http://bit.ly/bSrFRj>

Memoria Abierta has launched a new “virtual reference room” for its archives and documentation center. www.memoriaabierta.org.ar

Chile. The National Commission on Political Imprisonment and Torture, created in 2003, is accepting new reports on people tortured under the Pinochet military regime. In its investigations, the Commission staff will use, among other sources, the documentation in the Memory Museum, which was opened on January 11, 2010.

http://www.santiagotimes.cl/index.php?option=com_content&view=article&id=18280:valch-commission-accepts-new-human-rights-case&catid=43:human-rights&Itemid=39

Kosovo. On January 19, 2010, the Humanitarian Law Center Kosovo presented the interim results of its investigation of the killed, dead and missing in Mitrovica, to family members of the lost. After the presentation, family members checked the data in the HLC Kosovo’s database; family members gave the HLC Kosovo staff “108 forms containing accurate information on their closest as well as eight photographs and six original documents.” <http://www.hlc-rdc.org/Saopstenja/1863.en.html>

Lithuania. The KGB records in the national archives of Lithuania comprise an estimated 1.2 million files. According to a report by the Hoover Institution at Stanford University in the United States, “Over the next few years, microfilm of a large portion of [the Lithuanian KGB files] will come to Hoover.” Hoover is also translating the finding aids to the files that have been reconstructed by the national archives.

<http://www.hoover.org/publications/digest/80724057.html> and <http://www.rantrave.com/Rant/Lithuanian-KGB-Archives-Opened-to-Scholars.aspx>

Philippines. Birth and death certificates and marriage contracts from the civil registry of Manila, 1886-1996, have been digitized by the Church of the Latter-Day Saints. A copy is being delivered to the city registry. An estimated 100 million individual entries are included.

<http://www.manilastandardtoday.com/insideMetro.htm?f=2010/february/22/metro3.isx&d=2010/february/22>

Romania. In 2009 the European Court of Human Rights ruled that a copy of the files relating to the overthrow of Nicolae Ceausescu's regime should be made available to the organization "21 December 1989." The members of "21 December 1989" participated in the uprising; they are seeking information on people who were killed during the revolution. Romania has now declassified and released over 10,000 files since January, with another 1000 documents remaining to be reviewed.

http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2010/02/24/feature-03

Somaliland. On February 15, 2010, Somaliland's president established a National Archive and Public Records Office. The government press release announcing the establishment pointed to the need to preserve, among other records, census data. The comments posted to the story emphasize the need to preserve personal identification documents and the memory of Somaliland's history.

<http://somalilandpress.com/11772/somaliland-establishes-national-archives-agency/print/>

Turkey. Parliament has declassified and ordered scanned for release an estimated 11.5 million "historic" documents. <http://www.todayszaman.com/tz-web/news-201220-100-new-move-declassifies-some-documents-but-falls-short-of-full-transparency.html>

Vanuatu. *PARBICA Panorama* reprinted an article from the *Vanuatu Daily Post* (it was also republished by the Pacific Manuscripts Bureau News in July 2009, and the link below is to the Bureau's website). It discusses the book of marriage records of the island of Aneityum between 1914 and 1952, now part of the national archives. The records are particularly important, says the author, because Aneityum "has the sad distinction of being probably the best-documented case of population collapse through introduced diseases in the entire Pacific."

<http://rspas.anu.edu.au/pambu/newsletters/Pambu2609Jul02.htm>

United States. Flager College in St. Augustine, Florida, announced the creation of a civil rights archives, with an initial focus on St. Augustine's part as the "last staging ground in June 1964 before the passage of the Civil Rights Act."

<http://staugustine.com/node/7700/print>