

HRWG ica

human rights working group
international council on archives
groupe de travail sur les droits de l'homme
conseil international des archives

International Day of the World's Indigenous Peoples is August 9, International Youth Day is August 12, World Humanitarian Day is August 19, International Day for the Remembrance of the Slave Trade and Its Abolition is August 23, and International Day Against Nuclear Tests is August 29

News of July 2012

Compiled by Trudy Huskamp Peterson, Chair, HRWG

The following is number thirty-two and the last in a series of brief discussions of the Articles of the Universal Declaration of Human Rights (UDHR) and the archival holdings that relate to them.

Universal Declaration of Human Rights, Article 30. *Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.*

Ten years after the Universal Declaration was adopted, Eleanor Roosevelt, the chair of the United Nations Commission of Human Rights which had drafted the Declaration, appeared before the United Nations to present a guide for community action to support the ideals of the Declaration. She said,

Where, after all, do universal human rights begin? In small places, close to home--so close and so small that they cannot be seen on any map of the world. Yet they *are* the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world. <http://www.udhr.org/history/inyour.htm>

The thirtieth and final Article of the Declaration squarely places the responsibility for ensuring the protection of human rights on everyone, not just on States. Further, it does not limit an individual's responsibility to those in the community or the State where he or she resides but insists that these are universal responsibilities. The Article's original

draft, as proposed by Charles Malik, the delegate from Lebanon, included only the responsibility of persons, with an option—quickly adopted—to include States. The French delegation proposed adding the word “group,” arguing that “experience had shown that it was rarely States or individuals that engaged in activities that aimed at the destruction of human rights; such activities in recent times had been pursued by groups sometimes acting on the instructions or with the connivance of states.” With the activities of twentieth century fascist groups and the Ku Klux Klan offered as examples, the drafters agreed to include “groups” and the whole Article was adopted unanimously by the drafting party. (Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, pp. 87-88).

The Universal Declaration was considered at the United Nations General Assembly on 9 and 10 December 1948. At the request of Poland, a separate vote was taken on “each recital of the preamble, and on each article” (Summary from the *United Nations Yearbook 1948, Chapter V., Social, Humanitarian and Cultural Questions; Section A., Human Rights*). The Declaration, as a whole, was adopted by 48 votes, with 8 abstentions (Byelorussian SSR, Czechoslovakia, Poland, Saudi Arabia, Ukrainian SSR, Union of South Africa, USSR, and Yugoslavia) and two states not voting (Honduras and Yemen). After passage, the President of the General Assembly said that while “the Declaration only marked a first step since it was not a convention by which States would be bound to carry out and give effect to the fundamental human rights; not would it provide for enforcement; yet it was a step forward in a great evolutionary process.” And while the Declaration was followed nearly twenty years later (1966) by two binding covenants (one on Civil and Political Rights and one on Economic, Social and Cultural Rights), Charles Malik, the Lebanese delegate, looked back in 1986 on the Declaration and the covenants and said, “Whenever the question of human rights has arisen throughout the world, the appeal has been far more to the Declaration than to the covenants.” (quoted in Mary Ann Glendon, “The Rule of Law in the Universal Declaration of Human Rights,” <http://www.law.northwestern.edu/journals/jjhr/v2/5/>)

States, groups and persons: that covers the sources of the materials that archives hold. It covers business archives and archives of faith-based bodies, archives of rebel groups and States, correspondence of men and women. We, as archivists, select, preserve, and provide access to materials that allow people to assert and protect the rights enumerated in the thirty Articles of the Universal Declaration. Archivists truly are duty-bearers for human rights.

Human Rights Working Group news.

The annual meeting of the Human Rights Working Group will be held at the ICA Congress in Brisbane, Australia, on Thursday, August 23, at 15:30 in room P4 of the conference center. Everyone is welcome. The following items are on the agenda: directory of human rights archives, statement of responsibilities for human rights archives, the newsletter, proposed ICA project on a standard agreement on copying archives and exporting copies, bibliography of basic writings on archives and human

rights, human rights in the training of archivists, promoting human rights and transparency in archives of businesses and faith-based groups, roundtable.

The United Nations High Commissioner for Human Rights in Colombia has agreed to translate into Spanish the essays on the Universal Declaration of Human Rights that have appeared in *HRWG News* since December 2009.

International news.

International Criminal Tribunal for Yugoslavia. *Balkan Transitional Justice Daily* reported that the families of the Srebrenica victims plan to sue the ICTY Prosecutor for destroying in 2005 “identity cards, clothing, wristwatches, small notebooks and necklaces” found in mass graves. The Prosecutor’s office said that the destruction occurred because “the artifacts posed a health risk, due to inadequate storage facilities,” that “copies of all identifying documents were retained by the Bosnian authorities” and that photographs of all Srebrenica-related artifacts still held by the Prosecution would be photographed and sent to “authorities in Bosnia and Herzegovina” who will work with the families to decide on the disposition of the remaining artifacts.
http://www.balkaninsight.com/en/article/srebrenica-victims-plan-suit-over-destruction-of-items?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=7533b8a627-RSS_EMAIL_CAMPAIGN&utm_medium=email

At the trial of Ratko Mladic, prosecution witness Joseph Kingori, who was a United Nations military observer in Srebrenica just prior to its fall, described for the court the reporting process used and the types of reports the observers filed with the United Nations (pp. 1026-1031 of the transcript for July 18, 2012).

<http://www.icty.org/x/cases/mladic/trans/en/120718IT.htm>

Two days previously, David Harland, who worked in Sarajevo from 1993-1995 as part of the UN peacekeeping force, testified based on the hundreds of daily reports he filed from the city during the conflict. <http://www.icty.org/x/cases/mladic/trans/en/120716ED.htm>
All these reports are now part of the UN archives on the Balkan war.

Afghanistan/United States. The United States Geological Survey announced that about 70 percent of Afghanistan’s land area has been mapped using an advanced technique known as “hyperspectral imaging,” which involves measuring light reflected from the earth. The colors of the reflection show the mineral composition of the ground, particularly useful information for mining operations. The U.S. presumably holds the archival copy of the data. For the press release and sample maps, see

<http://www.usgs.gov/newsroom/article.asp?ID=3280>

Algeria/France. A *Reuters* article headlined, “Algeria, France tussle over archives 50 years after split,” provides an overview of the dispute over the disposition of the records of the pre-colonial and colonial periods that are now in France. The 1962 treaty that resulted in Algeria’s independence did not include a statement on the disposition of

archives. <http://www.reuters.com/article/2012/07/04/us-france-algeria-archives-idUSBRE86307L20120704> For commentary by Douglas Cox, see http://www.docexblog.com/2012_07_01_archive.html

Algeria/Switzerland. Switzerland's Federal Criminal Court ruled that Khaled Nezzar could be prosecuted in Switzerland for war crimes committed while he was defense minister of Algeria from 1990 to 1993. According to *Reuters*, the Swiss Federal Prosecutor will "resume hearing witnesses" in the case. What documents will be available to the prosecution was not reported, but if the case goes forward, the trial record in Switzerland will be a key resource for the history of Algeria, once again showing the international nature of records and human rights.

<http://www.chicagotribune.com/news/sns-rt-us-swiss-algeria-generalbre86u1b6-20120731,0,3395221.story>

Argentina/United States. An Argentine tribunal convicted Generals Rafael Videla and General Reynaldo Bignone for their roles in the kidnapping and theft of dozens of babies of executed and disappeared political prisoners during the military dictatorship, 1976-1983. One of the documents used as evidence in the trial was a 1982 memorandum of a conversation between a U.S. Assistant Secretary of State and the Argentine ambassador to the U.S. during which the question of baby stealing was raised. The memorandum was declassified in full by the U.S. after a petition by the Grandmothers of the Plaza de Mayo to the U.S. Embassy. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB383/>

Burkina Faso/Germany. In an excellent example of international cooperation, anthropologists working at Johannes Gutenberg University Mainz and Goethe University Frankfurt am Main gave the national archives of Burkina Faso more than 6000 pages of notes, transcriptions and translations relating to almost 800 interviews conducted in the border region of Burkina Faso and Ghana between 1997 and 2002. The interviews include information relating to "migration and settlement, land rights, and local politics in the pre-colonial, colonial, and post-colonial eras," said the press release.

http://www.eurekalert.org/pub_releases/2012-07/jgum-gap072012.php#

Chad/Senegal. On July 20 the International Court of Justice ruled that Senegal must either prosecute or extradite the former dictator of Chad, Hissene Habre, who has been living in exile in Senegal for "more than 21 years," according to the International Federation for Human Rights. Four days later, Senegal agreed to an African Union plan to try Habre before a special court in the Senegalese justice system presided over by African judges appointed by the AU. The 1992 truth commission in Chad collected evidence of torture and up to 40,000 political assassinations and a four year investigation by a Belgian team also amassed evidence, all of which should be available to the prosecution and defense. <http://allafrica.com/stories/201207260143.html>

Germany/Ghana. In October 2009 a fire in Ghana's Ministry of Foreign Affairs and Regional Integration destroyed the Ministry's archives. Now Germany has given Ghana electronic copies of the bilateral agreements signed between Ghana and Germany and

multilateral agreements in which Germany was a partner.

<http://www.globaltimes.cn/content/718915.shtml>

Germany/former Soviet Union. Germany has agreed to make compensation payments to Jewish victims of Nazism living in the former Soviet Union, the Conference on Jewish Material Claims Against Germany announced. These newly-eligible persons will need to submit evidence that they meet the profile of persons to be compensated.

<http://www.jewishpress.com/news/germans-to-pay-holocaust-restitution-to-former-soviet-union-victims/2012/07/11/> For information on applications, see <http://www.claimscon.org/?url=HFEE>

Hungary/Slovakia. A 97-year-old former Hungarian police officer accused of crimes in the Jewish ghetto in Kosice, Slovakia (Slovakia was part of Hungary in 1944), has been located living in Budapest and arrested and charged with “unlawful torture of human beings” by Hungarian prosecutors. According to *BBC News*, the events in the ghetto of Kosice are “unusually well-documented, both in the city archives in Kosice and in the documentation of the [related] Horvath case in Hungary.”

<http://www.bbc.co.uk/news/world-europe-18876847>

Iraq/United States. Iraq’s state newspaper, *al-Sabah*, quoted an official of the Tourism and Antiquities Ministry as saying that the U.S. had offered “to give back half of the Jewish Archives to Iraq, on condition that Iraq will concede its right of possessing the remaining half,” but Iraq rejected the offer. The Ministry also said that it had “reliable information” that the U.S. “had transferred the Iraqi Jewish Archives to Israel, in addition to some 1,000 Iraqi antiquities.” Several media outlets picked up the story, but in a private communication to me a knowledgeable U.S. expert called the report “preposterous.”

<http://www.presstv.com/usdetail/251103.html>;

<http://www.alsabaah.com/ArticleShow.aspx?ID=31203>;

<http://www.jta.org/news/article/2012/07/17/3100991/iraq-rejects-offer-for-half-of-jewish-archives>

Kenya/United Kingdom. In a story reported in several previous issues of *HRWG News*, three Kenyans are suing the U.K. government for damages caused by British officials in Kenya during the anti-colonial Mau Mau rebellion between 1952 and 1960. In July the Queen’s Counsel for the U.K. government in the case stated in court that he did not dispute that the claimants had suffered “torture and ill-treatment at the hands of the colonial administration.” According to *BBC News*, “the hearing will have access to an archive of 8,000 secret files that were sent back to Britain after Kenya gained its independence in 1963.”

<http://www.bbc.co.uk/news/uk-18874040>

United Kingdom/Northern Ireland/United States. In another long-running case, a judge in the United States ruled that two oral history interviewers had no standing to prevent the disclosure to the U.K. government of oral interviews with persons involved in the Northern Ireland “Troubles.” The ruling is found at

<http://bostoncollegesubpoena.wordpress.com/2012/07/06/first-circuit-court-of-appeals-ruling/>

National news.

Afghanistan. The Afghan Independent Human Rights Commission completed a report titled “Conflict Mapping in Afghanistan since 1978.” The report has not been publicly released, but press reports say that the report is the result of a “concerted effort” launched in 2006 to document violations of international humanitarian law, during which approximately 8000 Afghans were interviewed. According to a briefing by the International Center for Transitional Justice, “the information collected is the most comprehensive documentation of this period in Afghanistan to date.” The report not only tallied people killed and disabled but also identified the locations of 180 mass graves. It is not clear from the press reports where the important original research materials will be preserved or what institution serves as the archives for the Commission.

http://www.nytimes.com/2012/07/23/world/asia/key-afghans-tied-to-mass-killings-in-90s-civil-war.html?_r=1&pagewanted=all; <http://www.rferl.org/content/afghanistan-report-atrocities-war-accountability/24656163.html>
http://ictj.org/sites/default/files/ICTJ-Afghanistan-Briefing-English-%202012.pdf?utm_source=International+Center+for+Transitional+Justice+Newsletter&utm_campaign=98396109c7-PR_Afghanistan_Briefing_24-July-2012&utm_medium=email

Australia. Last year a woman who received copies of her father’s military records from the National Archives learned that he “had a sexually transmitted disease and a history of misconduct,” according to the *The Sydney Morning Herald*. The private Defence Force Welfare Association is now pressing the government “to prevent the public from accessing military’s staff’s personal details,” apparently in perpetuity. The Minister of Defence has asked that the National Archives explore options with Defence “to better protect the personnel records of both former and serving ADF [Australian Defence Force] personnel.” <http://www.smh.com.au/national/defence-personnels-personal-secrets-revealed-in-archive-files-20120719-22c8h.html>

Cate O’Neill of the Find and Connect web resource project at the University of Melbourne, reports that the Care Leavers of Australia Network, “an organisation representing people who experienced institutional care as children,” submitted a statement to the June session of the United Nations Commission on the Rights of the Child, claiming the Australian Government is violating the Convention on the Rights of the Child and has failed to “care for its most vulnerable citizens.” The submission is found at: <http://www.clan.org.au/images/croc%20submission%20for%20website.pdf> She adds, “The Australian Government apologised to Forgotten Australians and Former Child Migrants in November 2009, and has since funded a number of initiatives that are closely related to archives, such as the Find & Connect web resource (www.findandconnect.gov.au)--a website designed to help Forgotten Australians and Former Child Migrants understand more about their past and about the historical context of child welfare, as well as to locate and access records relating to their time in care--and the collection of oral histories by the National Library of Australia. The government is

also soon to announce its first round of grants to NGOs to assist them in improving the management of archival records relating to Forgotten Australians (see <http://fahcsia.gov.au/our-responsibilities/families-and-children/grants-and-funding/find-and-connect-records-access-documentation-project>)." Thank you to Cate for sending this information.

Belarus. An essay by the editor in chief of *Nasha Niva*, a weekly newspaper in Belarus, was translated and printed in the *New York Times*. He wrote that "at least 2,200 people have been detained for opposition activities over just the last two years," and he argues that they must not only be released but also be "rehabilitated, their records expunged, their lives returned to them." Expunging records whitewashes the actions of a repressive government. Removing the records from police custody and making it a crime to use them for further police purposes is another alternative.
http://www.nytimes.com/2012/07/17/opinion/belarus-europes-last-dictatorship.html?_r=1

Bosnia. At the Sarajevo Film Festival, the Cinema for Peace Foundation showed filmed interviews with ten Srebrenica genocide survivors, reported *BIRN*. The production director of the Foundation said "the goal of the project is to document the emotions and memories of ten thousand genocide survivors," of which 230 have so far been recorded. The Foundation has a Genocide Film Library that preserves the interviews.
<http://www.balkaninsight.com/en/article/srebrenica-survivors-stories-on-sarajevo-film-festival>

Brazil. Brazil's recently established truth commission announced it would investigate Brazil's participation in Operation Condor, the notorious cooperation in the 1970s by military regimes in the Southern Cone of South America to suppress dissent, resulting in the killing of tens of thousands, reported *Radio Havana Cuba*. Records of Condor actions are found in all the participating countries and in the United States.
<http://www.radiohc.cu/ing/news/world/7989-brazils-truth-commission-announces-probe-into-condor-plan.html>

Bulgaria. According to the Endangered Archives Blog, a preservation grant permitted the copying of items relating to the Gypsy/Roma heritage in Bulgaria they are held in private hands. They include photographs, theatre play scripts and posters, songs and newspapers; copies are held by the Endangered Archives Project and the Studii Romani Archive at the Ethnographic Institute and Museum of the Bulgarian Academy of Sciences, which also holds some of the original items.
[http://britishlibrary.typepad.co.uk/endangeredarchives/2012/07/gypsyroma-archives-in-bulgaria.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+EndangeredArchivesBlog+\(Endangered+Archives+Blog\)&utm_content=Google+Reader](http://britishlibrary.typepad.co.uk/endangeredarchives/2012/07/gypsyroma-archives-in-bulgaria.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+EndangeredArchivesBlog+(Endangered+Archives+Blog)&utm_content=Google+Reader)

Canada. British Columbia. A computer server holding student medical records at the B.C. Institute of Technology was breached. The server had the personal information of nearly 13,000 people who used the campus's student medical clinic, reported the *Vancouver Sun*.

<http://www.vancouversun.com/technology/Security+audit+reveals+server+containing+B+CIT+students+medical+info/6889848/story.html>

Ontario. Meanwhile, on the other side of Canada, Elections Ontario announced that a “privacy breach has occurred with respect to some Ontario voters’ personal information,” the *CNW Group* reported. Two USB keys carrying copies of personal information from 20-25 of Ontario’s 49 electoral districts cannot be located and the data on them was not encrypted or password protected. <http://ca.finance.yahoo.com/news/elections-ontario-announces-privacy-breach-150000080.html>; <http://news.nationalpost.com/2012/07/31/up-to-2-4-million-voter-records-lost-but-elections-ontario-still-fails-to-encrypt-data-privacy-czar/>

China. Hong Kong. The Legislative Council passed a Personal Data (Privacy) amendment. The new act exempts the Government Records Service from the requirement to obtain the consent of the data subjects if the use (including transfer) of the personal data by the Service is for records appraisal, arrangement or preservation. The exemption does not apply to other archives in Hong Kong, which means that all other archival institutions face legal uncertainty about whether records can be transferred to them without the consent of the data subjects, a very difficult task in any case but particularly difficult for older records. The bill is found here: <http://legco.gov.hk/yr10-11/english/bills/b201107081.pdf> Thanks to Sarah Choy for explaining the legislation.

France. For an exhibition marking 70 years since the Vel d’Hiv Roundup, the Paris police opened their archives on the event in July 1942. The Roundup, ordered by the Nazi officials in Paris, had the police arrest 13,152 Jews, keeping about half of them in the Vel d’Hiv cycling stadium before transporting them to other holding areas and ultimately deporting them to death camps. <http://www.connexionfrance.com/Paris-police-archives-exhibition-Vel-Hiv-Roundup-Nazis-13913-view-article.html>; http://www.washingtonpost.com/world/europe/chilling-archives-of-french-jews-deported-to-auschwitz-shown-for-1st-time-to-public/2012/07/17/gJQAPBFpqW_story.html

Ghana. *Radioxyzonline.com* reported that the national archives are in danger because of poor facilities, lack of funds, and general neglect, and conditions in the archives in the regional offices are “even more despicable.” The article noted that records in the archives “helped to avert a boundary dispute between Ghana and Cote d’Ivoire over the Dzata Field, one of the country’s oil fields, thereby saving the nation substantial oil treasure.” <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=245292>

Indonesia. “The government says it supports the recommendation by the National Commission on Human Rights (Komnas HAM) that the 1965 communist purge was a gross human rights violation,” reported *The Jakarta Post*. The Commission gathered testimony from 349 witnesses during more than three years of investigation; the Attorney General said his office was weighing the sufficiency of the evidence for prosecutions of the military officials who were involved in the purge that killed thousands of people and imprisoned others. The preservation of the records of the Commission, like those of the Attorney General’s office, are part of the responsibility of the national archives system.

<http://www.thejakartapost.com/news/2012/07/25/govt-supports-komnas-ham-s-recommendation.html>

The International Crisis Group, an NGO based in Belgium, published a report, “How Indonesian Extremists Regroup.” The report makes a number of recommendations on combating terrorism, several of which recommend strengthening the acquisition and use of information in government data systems.

http://www.crisisgroup.org/en/regions/asia/south-east-asia/indonesia/228-how-indonesian-extremists-regroup.aspx?utm_source=wu16july&utm_medium=indonesiareport&utm_campaign=wuemail

Kosovo. The European Union Rule of Law Mission, Kosovo (EULEX) issued its 2012 report. Emphasizing “intelligence-led policing,” which requires good statistical information to be successful, the report said, “Due to problems with technical support and capital investment” the development of the Kosovo Police Information System “has not been what the organization hoped” and that modifications have been made to improve “certain recording and retrieval features.” “Statistics and other sources of crime intelligence are of little value,” EULEX wrote, “unless KP Crime has a single hub that is responsible for collecting, collating, analyzing and disseminating the information.”

http://www.eulex-kosovo.eu/docs/Accountability/2012/EULEX_Programme_Report_2012-LowQuality.pdf

Macedonia. The struggle over the work of the Macedonian Lustration Commission, reported in previous issues of *HRWG News*, continued unabated in July. *BIRN* followed it closely and reported: (1) the new lustration law came into force in mid-July, but the Commission, understaffed, was split over whether it could use external volunteers to examine secret police files for the Commission; (2) the Commission debated using outside experts to help decide how to enforce key parts of the law, including whether to investigate deceased persons and how to fulfill the law’s requirement that family trees of former collaborators should be investigated; and (3) at the end of the month the Commission named eleven people as collaborators with the former police and state security agencies; the new law requires that the names and the dossiers of former police informants should be published online. An appeal contesting the new law has been filed in the Constitutional Court, and one of the named persons published on the internet documents he obtained in 2000 that he says shows himself to be a victim not a collaborator.

http://www.balkaninsight.com/en/article/volunteers-may-handle-macedonian-lustration?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=1822023337-RSS_EMAIL_CAMPAIGN&utm_medium=email;
http://www.balkaninsight.com/en/article/macedonian-lustration-body-asks-experts-help?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=ca218b15a9-RSS_EMAIL_CAMPAIGN&utm_medium=email ;
<http://www.balkaninsight.com/en/article/macedonian-lustration-commissions-names-informants->

[again?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=0e9c7c9ded-RSS_EMAIL_CAMPAIGN&utm_medium=email](http://www.stuff.co.nz/the-press/news/7314266/Medical-records-found-in-street)

New Zealand. Confidential medical records stolen from a nurse's car were found three weeks later in a Christchurch street. Among the documents on the street was a memo advising Healthcare New Zealand staff to be careful with client files, *press.co.nz* reported. <http://www.stuff.co.nz/the-press/news/7314266/Medical-records-found-in-street>

Pakistan. A feature story in *dawn.com* lamented the poor conditions in the National Archives of Pakistan. <http://dawn.com/2012/07/23/loss-of-history-at-the-hands-of-elements-feared/>

Peru. The Supreme Court of Peru reduced the sentences of nearly all the officials convicted in the “Barrios Altos case” and stated that the Barrios Altos massacre does not constitute a crime against humanity. In the 1991 Barrios Altos massacre by a military unit called the Colima Group killed fifteen people and seriously wounded four others. According to Jo-Marie Burt, an expert on Peru who wrote a commentary on the decision for the Washington Office on Latin America, “a lot of archives” were used in the initial Barrios Altos trial where the judge in the case “actually got a judicial order to seize military records, went to the different military offices and found quite a bit of useful information. Documents were also provided by mid-level Colina Group members who turned state's evidence.” Peru's Prime Minister called the sentence “shameful” and the Ombudsman called it a “serious setback” to accountability; human rights groups hope to challenge the verdict. Thanks to Jo-Marie for the supplemental information. http://www.wola.org/commentary/grave_step_backward_for_efforts_to_achieve_truth_and_justice_in_peru

Russia. In a grisly case, four barrels of human fetuses were found in a forest in the Ural Mountains near Sverdlovsk. *Radio Free Europe/Radio Liberty* reported that “tags with names and numbers—apparently the numbers of hospital wards” were attached to the fetuses. Authorities should be able to link the tag information to hospital records. <http://www.rferl.org/content/russia-fetuses-urals/24655523.html>

Ukraine. A long article from *The Ukrainian Week* and republished by *Transitions Online*, titled “Erasing Ukraine's Memories,” has a chilling section on the problems of access in the national archives. http://www.tol.org/client/article/23261-ukraine-culture-history-russia.html?utm_source=TOL+mailing+list&utm_campaign=6b2281c445-TOL_newsletter7_3_2012&utm_medium=email

United Kingdom. In a cost-cutting move, the government closed the Archive of Forensic Science Service, which holds more than 1.7 million case files, some more than 30 years old, *BBC News* reported. Henceforth each of the 43 police forces in England and Wales must store its forensic records, while the Home Office continues to maintain the older materials. The BBC quoted a forensic expert as saying that the new system “could lead to major miscarriages of justice, with innocent people being kept behind bars and some

criminals remaining at liberty.” <http://www.bbc.co.uk/news/uk-18880701>

United States. A judge in the Federal district court in Houston wrote an article estimating that about 30,000 sealed surveillance orders were issued in Federal courts in 2006. These orders are used to “obtain various kinds of phone and e-mail records if they are not seeking the content of the communications” but rather want the location or date or the recipient of the communication, the *New York Times* explained.

http://www.nytimes.com/2012/07/24/us/politics/sidebar-public-in-the-dark-about-surveillance-orders.html?_r=1

The bankrupt New York law firm of Dewey & LeBoeuf has “hundreds of thousands of boxes” of records, some in its possession and others housed at third-party warehouses, including more than 100,000 boxes at a facility in Brooklyn, New York. At its height, the century-old firm had offices in 12 countries. What to do with the records and who will pay for the destruction (if that is the eventual result) is before the bankruptcy court in New York. *Thompson Reuters* wrote, “[D]isputes over who should pay to destroy them are raising questions about a bankrupt law firm's ethical obligation to protect client data and its duty to save money for creditors.”

http://newsandinsight.thomsonreuters.com/Legal/News/2012/07_-

[July/Dewey s dilemma over client files to shred or not to shred/](#)

B’nai B’rith gave its records to the American Jewish Archives. According to *JTA.org*, the records are estimated to “comprise more than 1 million documents” or 800 linear feet of records. B’nai B’rith is the oldest Jewish service organization in the world, and it founded the Anti-Defamation League in 1913.

<http://www.jta.org/news/article/2012/07/17/3100616/op-ed-preserving-our-family-history>

Alaska. The theft of a portable hard drive containing possible electronic personal health information, from a car owned by a state employee, resulted in a \$1.7 million fine to the State of Alaska and the requirement to develop a corrective action plan for managing health information. <http://www.williamsmullen.com/17-million-hipaa-settlement-reinforces-importance-of-effective-information-governance-of-electronic-phi-ephi/>

Colorado. James Holmes, who killed 12 people and wounded 58 others in a movie theater, sent his notebook to his psychiatrist prior to the attack, only to have it misplaced in a mailroom so it never reached the doctor. The Colorado court will determine whether the information in the notebook is privileged communication between a patient and a doctor and therefore cannot be disclosed without Holmes’ consent..

[http://www.huffingtonpost.com/2012/07/25/james-holmes-sent-notebook-psychiatrist_n_1702216.html?utm_hp_ref=mostpopular;](http://www.huffingtonpost.com/2012/07/25/james-holmes-sent-notebook-psychiatrist_n_1702216.html?utm_hp_ref=mostpopular)

http://www.washingtonpost.com/national/james-holmes-expected-to-be-charged-monday-in-colorado-massacre/2012/07/30/gJQAFRCQKX_story.html

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