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Compiled by Trudy Huskamp Peterson, Chair, HRWG

The following is the tenth in a series of brief discussions of the *Principles of Access to Archives* adopted by the International Council on Archives at its Annual General Meeting in August 2012.

***Principle 9. Archivists have access to all closed archives and perform necessary archival work on them.***

*Archivists have access to all closed archives in their custody in order to analyze, preserve, arrange and describe them so that their existence and the reasons for their restriction are known. This archival work helps prevent the archives from being destroyed or forgotten advertently or inadvertently and helps assure the integrity of the archives. Preservation and description of closed archives promotes public confidence in the archival institution and in the archives profession, for it enables archivists to assist the public in tracing the existence and general nature of closed records and learning when and how they will be available for access. If the closed archives have national security classifications or other restrictions that require special clearances, archivists comply with the requisite clearance procedures to gain access.*

The archives of the United Nations holds the records of the truth commissions in El Salvador and Guatemala. Under the terms of the deposits, the records are closed to public access. However, the UN interprets this as a ban on any kind of work in the records: preservation, arrangement and description. Consequently the records, which include fragile electronic and audiovisual records, are deteriorating.

In too many countries the national archives is in theory responsible for the records of the government but does not have access—even for preservation purposes—to inspect storage conditions or even ascertain the volume and condition of some records including those of the current and past heads of state. These are impossible situations. Archivists must be trusted to ensure that records are preserved and described, whether or not the records must be restricted from public access.

**ICA news.** The preliminary program for the International Council on Archives' Annual Conference is now available. To be held November 23-24, 2013, in Brussels, Belgium, the program includes two sessions on archives and human rights on November 23 as well as an open meeting of the human rights working group. See:

<http://icarchives.webbler.co.uk/14359/annual-conference-news/annual-conference-2013-preliminary-programme-is-now-available.html>

### **International news.**

United Nations Joint Human Rights Office/Congo. The United Nations Joint Human Rights Office (UNJHRO) in the Democratic Republic of Congo (DRC) issued a report on the human rights violations, particularly cases of sexual violence, that occurred between 15 November and 2 December 2012 in eastern DRC. The investigators “conducted over 350 interviews with victims and direct and indirect witnesses to the human rights violations” and also met with representatives of civil society organizations and local administrative and military authorities. The report concludes that the combatants of two armed groups, FARDC and M23, “are responsible for gross violations of human rights law and serious violations of international humanitarian law.” Because UNJHRO is a merger of the UN High Commissioner for Human Rights Office in the DRC and the Division of Human Rights of the UN Mission in the DRC, it is not clear where the records of this important investigation will be preserved. The report is found at [http://www.ohchr.org/Documents/Countries/ZR/UNJHROMay2013\\_en.pdf](http://www.ohchr.org/Documents/Countries/ZR/UNJHROMay2013_en.pdf)

### **General news.**

“The EDRM Enron data set is an industry-standard collection of email data that the legal profession has used for many years for electronic discovery training and testing” derived from the U.S. Government’s investigation into the now-defunct energy firm Enron, explains an article published in *The Lawyer*. Now two firms, EDRM and Nuix, have developed and published a technique for identifying personal data in email records and applied it to the public Enron dataset. They identified “more than 10,000 items” with privacy issues, including credit card numbers, Social Security and other national identity numbers, dates of birth, and even 532 emails “containing information of a highly personal nature such as medical or legal matters.” The Enron public data set has now been stripped of the privacy items. <http://www.thelawyer.com/news-and-analysis/the-lawyer-management/nuix-and-edrm-republish-cleansed-enron-data-set/3005146.article>

*The New York Times* published a feature article on the increasing demands that the “world’s grand museums” return “human remains from colonies or conquered peoples.” It reports that the German Museums Associations recently issued a 70-page set of ethical guidelines on handling such remains, including a recommendation “that institutions study provenance systematically,” demonstrating the importance of museum archives in these human rights questions. <http://wap.nytimes.com/2013/05/25/arts/design/museums-move-to-return-human-remains-to-indigenous-peoples.html>

### **Bilateral and multilateral news.**

Al-Qaeda/North Africa. The *Associated Press* published a special report on a 3 October 2012 letter that a Press employee found “inside a building formerly occupied” by al-Qaeda fighters in

Timbuktu, Mali. The letter, addressed to Moktar Belmoktar, complained that he “failed to turn in his expense reports” and “failed to carry out a single spectacular operation.” Subsequently, Belmoktar “carried out two lethal operations that killed 101 people in all: one of the largest hostage-takings in history at a BP-operated gas plant in Algeria in January, and simultaneous bombings at a military base and a French uranium mine in Niger in May.” The letter and supporting documents show the importance of records to al-Qaeda operations. The AP article with links to the letter in Arabic and English is at <http://bigstory.ap.org/article/ap-exclusive-rise-al-qaida-saharan-terrorist>

Argentina/Iran. As reported in *HRWG News* 2013-01 and 2013-02, Argentina and Iran agreed to create a joint commission to exchange information on the 1994 bombing Jewish community center Buenos Aires. Now Ali Fallahian, a man who is wanted by Interpol in connection with that bombing, is an announced candidate for the president of Iran. <http://iranpulse.al-monitor.com/index.php/2013/05/1971/candidate-wanted-by-interpol-registers-for-iran-elections/>

Central Asia. *Radio Free Europe/Radio Liberty* published an interview with a Tajikistan-born researcher at Columbia University’s Global Health Research Center of Central Asia who says that “an acute lack of data” impedes the fight against HIV in Central Asia. <http://www.rferl.org/content/hiv-central-asia-msm-/24977075.html>

Dominican Republic/United States. Newly declassified U.S. State Department records “provide context” for the forced disappearance of the Dominican Republic journalist and university professor Narcisco Gonzalez on 26 May 1994, according to the U.S. non-governmental organization National Security Archive, which obtained the documents under the Freedom of Information Act. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB429/>

France/Israel/Palestine. *France 2* broadcast a report on 30 September 2000 on the death of a Palestinian boy, Muhammad al-Durrah, shown in a video as he crouched by his father, trying to avoid fire from Israeli soldiers. Now Israel has released a report disputing the “central claims and accusations” in the 13-year-old *France 2* report. Al-Durrah’s father denounced the Israeli report. <http://www.al-monitor.com/pulse/originals/2013/05/muhammad-durrah-israel-palestine-intifada.html> For the report, see [http://www.desinfos.com/IMG/pdf/The\\_France\\_2\\_Al-Durrah\\_Report\\_.pdf](http://www.desinfos.com/IMG/pdf/The_France_2_Al-Durrah_Report_.pdf) Consequences and Implications-1905-2.pdf

Germany/Switzerland/United Kingdom/United States. *Der Spiegel* reported that the Stasi archives show that pharmaceutical companies from West Germany and other Western countries tested new drugs in the German Democratic Republic after paying the government “millions for extensive clinical trials, in which at least 50,000 East German citizens served as subjects, often unknowingly.” The German Interior Ministry is opening an investigation into the medical trials, and the Health Minister “aims to prevent further documents from being destroyed at places where the trials were carried out.” *Der Spiegel* says that “pharmaceutical companies are only hesitantly beginning to comb through their archives” for records related to the trials, but “at least a few of them, like Roche and Boehringer Ingelheim, have started the process.” <http://www.spiegel.de/international/germany/patient-drug-trials-western-firms-bribed-east-german-doctors-a-901206.html>

Israel/Palestine. Land is a source of conflict between Israelis and Palestine, and the records of ownership (or the lack of records) are a central issue. Two recent articles in *Al-Monitor* provide overviews of the problem. <http://www.al-monitor.com/pulse/originals/2013/05/settlements-land-ownership-palestine-israel.html>; [http://www.al-monitor.com/pulse/originals/2013/05/palestine-israel-conflict-land.html?utm\\_source=&utm\\_medium=email&utm\\_campaign=7244](http://www.al-monitor.com/pulse/originals/2013/05/palestine-israel-conflict-land.html?utm_source=&utm_medium=email&utm_campaign=7244)

Israel/Palestine/United Kingdom. In a story that is still unfolding, the al-Aqsa Foundation for Endowment and Heritage reported that during regular maintenance work in a cemetery in Jaffa, Israel, its workers found six mass grave sites apparently dating as early as the 1936 Palestinian uprising or from the 1948 war. Oral histories collected on the 1948 events in Jaffa contain reports of burials in mass graves. <http://mondoweiss.net/2013/05/graves-palestinians-discovered.html>

Kenya/United Kingdom. The United Kingdom is “negotiating payments to thousands of Kenyans who were detained and severely mistreated during the 1950s Mau Mau insurgency in what would be the first compensation settlement resulting from official crimes committed under imperial rule,” *The Guardian* reported. This may trigger other claims by former colonial subjects in countries such as Cyprus, which “could result in testimony and the emergence of documentary evidence that would challenge long-cherished views of the manner in which Britain withdrew from its empire.” The article says that the archives of the International Committee of the Red Cross have evidence of torture in British prisons in 1950s Cyprus. For background on the role played by newly acknowledged colonial records, see *HRWG News* 2012-07.

<http://www.guardian.co.uk/world/2013/may/05/mau-mau-victims-kenya-settlement>

Mexico/United States. The *New York Times* published a story on the attempts by Arizona authorities to identify immigrants who have died crossing the U.S.-Mexico border illegally. The Pima County Medical Examiner’s office has a “color-coded” file for each of the more than 2,100 unidentified dead in the county since 2001; in addition, the office has a mapping database of the deaths in the county’s Sonoran desert “listing coordinates for where they were found and, if known, their sex, age and cause of death.” Identification is hampered because “few immigrants from impoverished rural communities could be traced with dental records” and “ID cards, found in pockets and backpacks, were unreliable because many were forgeries bought by Central Americans to elude the authorities in Mexico.”

[http://www.staradvertiser.com/news/20130521\\_Death\\_rate\\_rises\\_for\\_migrants\\_who\\_take\\_riskier\\_paths\\_to\\_US.html?id=208253531](http://www.staradvertiser.com/news/20130521_Death_rate_rises_for_migrants_who_take_riskier_paths_to_US.html?id=208253531)

## **National news.**

Bosnia. *BIRN* ran two stories on memorials. A memorial was opened at the wartime Luka jail camp in the Brko district, with the organizers promising to add 500 new photographs depicting murdered Brcko citizens to the display “in the next several months.” The Cinema for Peace Foundation donated over 500 video interviews with war victims to the Srebrenica-Potocari Memorial Center. The Cinema has recorded “a total of 1,307 testimonies from Srebrenica survivors and aims to film 10,000 stories by 2015.” [http://www.balkaninsight.com/en/article/memorial-room-opened-in-brcko?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=3082cbc92e-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_561b9a25c3-3082cbc92e-](http://www.balkaninsight.com/en/article/memorial-room-opened-in-brcko?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=3082cbc92e-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-3082cbc92e-)

[311109073; http://www.balkaninsight.com/en/article/bosnia-project-gathers-500-srebrenica-survivors-testimonies?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=7a3b6b8e14-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_561b9a25c3-7a3b6b8e14-311109073](http://www.balkaninsight.com/en/article/bosnia-project-gathers-500-srebrenica-survivors-testimonies?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=7a3b6b8e14-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-7a3b6b8e14-311109073)

Brazil. A report produced by the public prosecutor in 1967 on the abuse of indigenous peoples by officials of the Indian Protection Service (SPI) and thought to have been destroyed by a fire at the agriculture ministry has been found in the archives of the Indian Museum in Rio and given to the Truth Commission, *The Guardian* reported. <http://www.guardian.co.uk/world/2013/may/29/brazil-figueiredo-genocide-report>

Brazil's television *Globo* broadcast a year-old police video of a police helicopter hunting for a drug trafficker in Rio, locating his car and spraying it with bullets while it was in a residential area. The trafficker was found dead the next day; a prosecutor says he is reopening the investigation into the death based on the video. [http://www.huffingtonpost.com/2013/05/07/brazil-helicopter-shooting-video-marco-pereira\\_n\\_3230448.html](http://www.huffingtonpost.com/2013/05/07/brazil-helicopter-shooting-video-marco-pereira_n_3230448.html)

Canada. The Privacy Commissioner said in an interview with *Postmedia News* that only 13% of all incidents of data breaches have been reported to her office over the last ten years. She suggested that the government departments "aren't consistently applying reporting rules and are putting Canadians' information in danger." <http://www.montrealgazette.com/technology/Reported+data+losses+public+information+time+high/8290396/story.html>

The controversies surrounding the Truth and Reconciliation Commission continue, with the auditor general of Canada issuing a report saying he is "concerned that the lack of co-operation, delays and looming deadline stand in the way of creating the historical record of Indian residential schools as it was originally intended." The auditor also told the Commission that it "needs to put together a solid plan to properly preserve the documentation" it creates and receives, reported *Macleans*'s. <http://www2.macleans.ca/2013/04/30/ag-takes-aim-at-residential-schools-diabetes-prevention/> And a residential school alumnus challenged the Aboriginal Affairs Minister to "review archival files that prove the government of Canada deliberately destroyed residential school documents," *APTN National News* reported. For background on the files destruction controversy, see *HRWG News* 2013-04. <http://aptn.ca/pages/news/2013/05/15/residential-school-survivor-challenges-valcourt-to-review-archival-document-destruction-record/>

Central African Republic. "Members of the Seleka rebel coalition, which ousted president Francois Bozize of the Central African Republic on March 24, 2013, have committed grave violations against civilians, including pillage, summary executions, rape, and torture," reported Human Rights Watch, based on interviews with "about" 70 witnesses, victims, local human rights defenders, journalists, authorities from the previous and new governments, and other sources. HRW says it "believes that the statements from witnesses establish that the rebels were, on a local level, taking orders from their immediate commanders." If the government establishes the National Commission of Inquiry that it announced in April, the HRW interview reports will provide crucial background information for it. <https://www.hrw.org/news/2013/05/10/central-african-republic-rampant-abuses-after-coup>

Colombia. The government of Colombia and the FARC insurgent group announced an agreement on “comprehensive rural reform,” an issue at the heart of the long civil war in Colombia. The agreement includes “a set of measures that include land titling, improving access to land the creation of a mechanism to solve conflicts over land use.” Once again, reliable land records are crucial for maintaining peace. <http://www.crisisgroupblogs.org/crimeandpolitics/2013/05/28/three-reasons-why-colombias-land-reform-deal-is-significant/>

Croatia. In an illustration of the importance of records of journalists in war crimes trials, a journalist who interviewed a member of a unit whose leader, Tomislav Mercap, is on trial said that the man interviewed “personally signed every page of the interview to approve it.” In the interview the man said “that Mercap knew about more than 280 killings perpetrated by his unit,” *BIRN* reported. [http://www.balkaninsight.com/en/article/journalists-testify-at-mercep-trial?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=7a3b6b8e14-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_561b9a25c3-7a3b6b8e14-311109073](http://www.balkaninsight.com/en/article/journalists-testify-at-mercep-trial?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=7a3b6b8e14-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-7a3b6b8e14-311109073)

Egypt. The retrial of former Egyptian president Hosni Mubarak, his two sons, and the former interior minister has been postponed “to allow the court to review some 55,000 pages of documentation” in the case, reported *Ahram Online*. <http://english.ahram.org.eg/News/71164.aspx>

Georgia. Videos created a lot of news in Georgia in May. Two priests were arrested for attacking participants at a gay rights rally in Tbilisi after a video of their actions was posted on Facebook, *EurasiaNet.org* reported. *Democracy and Freedom Watch* reported that the Interior Minister said the “dirty archive” of secret surveillance footage obtained by the previous government will be destroyed “when the investigation is finished in each particular case” (for background see *HRWG News* 2013-04). The ministry also said that a former Deputy Minister admitted illegally “publishing a video apparently shot with a hidden camera which shows three people having sex – two men and one woman.” And the Prime Minister announced that the Prosecutor’s office and the Prison Ministry have discovered a “secret archive of prison videos,” several of which apparently were shown on Georgian television in September 2012 and showed “physical and sexual abuse of prisoners.” <http://www.eurasianet.org/node/67009>; <http://dfwatch.net/georgia-to-destroy-its-dirty-archive-of-personal-secrets-49062>; <http://dfwatch.net/secret-archive-of-abuse-videos-discovered-88114>

Guatemala. *Al Jazeera* broadcast a report on using the police archives to locate the missing from the period of the civil war. <http://www.youtube.com/watch?v=ko4SBLdTM8>

News from Guatemala in May was dominated by the trial of former military dictator Efraim Rios Montt, first his conviction on genocide charges, then the overturning of the verdict by the Constitutional Court and finally the deadlock in arriving at a plan for retrial. For full coverage, see <http://www.riosmontt-trial.org/>. The *Huffington Post* published an interview with Pamela Yates, whose 1982 filmed interview with Rios Montt was shown in court: “After the prosecution had put forward nearly 150 eyewitness survivors, expert witness and military documents, to rest their case, they projected the interview with General Rios Montt that I did with him in 1982 where he claims command responsibility over the Armed Forces. This was critical to prove the genocide case, because Ríos Montt's defense is that he did not know what was happening, what his officers were

doing in the field. In fact they were carrying out his orders.”

[http://www.huffingtonpost.com/vanessa-erazo/guatemalan-dictator-genocide-trial\\_b\\_3316188.html](http://www.huffingtonpost.com/vanessa-erazo/guatemalan-dictator-genocide-trial_b_3316188.html)

India. “Building proposal department offices” for the “swish suburbs” of Mumbai have “lost” the files relating to 314 real estate projects in various stages of completion, according to *The Hindustan Times*. An NGO charged that “lower-level staff” make the files “disappear” to hide illegalities by the builders, while the government said it has “initiated the procedure for filing police complaints on the missing files.” The *Times* cited the Maharashtra Public Records Act in its article on the missing files. While the press sees this as an issue of corruption, it is also a serious public safety issue for inhabitants of the structures. <http://www.hindustantimes.com/India-news/Mumbai/314-files-on-bldgs-go-missing-from-civic-body-records/Article1-1065125.aspx>

Iraq. On April 23, Iraqi soldiers, police and SWAT forces fired on a crowd of about 1000 anti-government protesters in Hawija, “leaving at least 163 protesters dead and wounded” and “hundreds of others . . . either arrested or went missing,” reported *Al-Monitor Iraq Pulse*. Both the parliament and the government of Prime Minister Nuri al-Maliki opened investigations. The parliamentary committee interviewed 14 witnesses plus members of parliament and local and federal government officials and obtained photographs and “videos taken by Iraqi soldiers while filming the protest square after the attacks.” The parliamentary investigation file was sent to the Iraqi general prosecution which has established an inquiry commission on the events; the ministerial committee has not reported. <http://www.hrw.org/news/2013/05/04/iraq-parliament-report-alleges-officials-ordered-raid>; [http://www.al-monitor.com/pulse/originals/2013/05/iraq-judiciary-hawija-attacks-investigation.html?utm\\_source=&utm\\_medium=email&utm\\_campaign=7261](http://www.al-monitor.com/pulse/originals/2013/05/iraq-judiciary-hawija-attacks-investigation.html?utm_source=&utm_medium=email&utm_campaign=7261)

Ireland. Ireland was neutral during World War II, but approximately 5,000 men deserted from Ireland’s armed forces to fight for Britain during the war. The deserters were blacklisted by the Irish government and suffered job discrimination and loss of pension rights. Now the Irish parliament has enacted legislation pardoning and granting amnesty to the men.

<http://www.dailymail.co.uk/news/article-2320615/Irish-soldiers-branded-deserters-leaving-neutral-army-fight-Allies-WWII-finally-pardoned.html>

Kenya. The Truth Justice and Reconciliation Commission released its 4 volume report. It found that both the British Colonial administration and the presidential administrations from independence to 2008 were responsible for “numerous gross violations of human rights” and that “historical grievances over land constitute the single most important driver of conflicts and ethnic tension in Kenya.” It recommended “the establishment of a reparation fund that shall be used to compensate victims of gross violation of human rights and historical injustices.” In Chapter 3 of Volume 1, the Commission provided details about its records management and electronic database practices. For a news article about the report, see <http://news.yahoo.com/kenyas-truth-report-killings-land-grabs-graft-103211123.html>; for the report

[http://www.tjrckeny.org/index.php?option=com\\_content&view=article&id=573&Itemid=238](http://www.tjrckeny.org/index.php?option=com_content&view=article&id=573&Itemid=238)

Kenya police abuse refugees, according to a new report from Human Rights Watch, based on interviews with 101 refugees, asylum seekers and Kenyans of Somali ethnicity. HRW also “documented almost 1,000 cases in which police arbitrarily detained refugees and asylums seekers in their homes, in the street, in police vehicles, and in police stations.” This is a painful supplement to

the TJRC report. <http://www.hrw.org/news/2013/05/29/kenya-police-abuse-nairobi-s-refugees>;  
report <http://www.hrw.org/node/115736>

Kosovo. *BIRN* interviewed the prosecutor who tried the persons involved in an organ-trafficking ring (for background see *HRWG News* 2013-02, 2013-04). He said the search at the clinic where the illegal kidney transplants took place found “documents, medical records, anesthesiology logs and surgical records that we desperately needed for the case” but “a number of documents were missing from the clinic: key surgical protocol books and records were missing.”

[http://www.balkaninsight.com/en/article/prosecutors-renew-hunt-for-kosovo-organ-traffickers?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=7b9ed24d7a-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_561b9a25c3-7b9ed24d7a-311109073](http://www.balkaninsight.com/en/article/prosecutors-renew-hunt-for-kosovo-organ-traffickers?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=7b9ed24d7a-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-7b9ed24d7a-311109073)

Latvia. A new citizenship law permits “nations residing abroad, citizens of Latvia who were deported or left Latvia as a result of the Soviet Union or Nazi Germany occupations, or those that were deported and up to May 4, 1990, had not returned to Latvia permanently” to apply for citizenship. What documentation will be required for applicants is not clear from the news reports. <http://www.baltictimes.com/news/articles/32904/>

Libya. *The Guardian* posted on *youtube.com* a video interview with a Human Rights Watch researcher about the documents and films HRW obtained in Benghazi after the Libya uprising. <http://www.youtube.com/watch?v=sscfVilthak>

Macedonia. The Helsinki Committee for Human Rights of Macedonia launched a portal to allow citizens to report hate crimes. Since it opened in March, the Committee says it “has recorded dozens of hate-crimes and has requested information and cooperation from all 32 courts and 22 public prosecution offices with competences in the field.”

<http://www.metamorphosis.org.mk/en/news/macedonia/2423-helsinshkiot-komitet-pretstavi-portal-za-prijavuvanje-zlostorstva-od-omraza>

Myanmar. The commission set up to investigate the violence between Buddhists and Muslim Rohingyas in western Myanmar in 2012 issued its report, which was heavily criticized by human rights groups for placing “undue emphasis on strengthening security while almost completely ignoring issues of discrimination and accountability,” reported the *Inter Press Service*. The *IPS* article includes links to unofficial English language translations of the report’s recommendations and summary, which give no sense of what evidence the commission used to write the report.

<http://www.ipsnews.net/2013/05/myanmar-report-on-anti-rohingya-violence-skewed-toward-security/>

A joint report by the Karen Human Rights Group and Human Rights Watch says that convicts who are forced to serve as porters for the army are abused and calls for a United Nations-led commission to investigate violations of international humanitarian and human rights law in Myanmar. Basing their statements on 58 interviews with escaped porters, the report by the two groups details summary executions, torture, and the use of convicts as human shields.

<http://www.hrw.org/news/2011/07/12/burma-war-crimes-against-convict-porters>



New Zealand. The “Easy Rider” fishing boat capsized and sank in March 2012, killing eight of the nine persons on board. The Transport Accident Investigation Commission issued its report, in which it found that records of safety and stability were missing, both in the hands of the government and in the hands of the owners of the boat. The Commission recommended “that the Director of Maritime New Zealand adopt a strategy under the Public Records Act 2005 that ensures that important ship records are maintained until vessels make permanent exits from the New Zealand maritime system and for a specified number of years following that.” For a news story, see <http://www.stuff.co.nz/southland-times/news/8626731/Crucial-data-on-Easy-Rider-lost-report>; for the report <http://www.taic.org.nz/LinkClick.aspx?fileticket=A4ea0GXP0FI%3d&tabid=263&language=en-US>

Russia. A video made in an orphanage of Pionersky, a town in the Far Eastern Amur Region, shows “a teenage girl who lashes boys aged between seven and nine with a belt,” reported *RIA Novosti*. Another girl recorded the video on her phone and posted it to a social networking site. The Russian child ombudsman said that his investigation found six different video clips showing violence against children at the facility. An inspection of all orphanages in the region is ongoing. <http://en.rian.ru/russia/20130518/181211216.html>

Senegal. The archives in the Ministry of Justice was “consumed” by fire, reported *leral.net*. It included no information on what records were destroyed. [http://www.leral.net/Incendie-au-ministere-de-la-Justice-La-salle-des-archives-consumee-par-les-flammes\\_a82706.html](http://www.leral.net/Incendie-au-ministere-de-la-Justice-La-salle-des-archives-consumee-par-les-flammes_a82706.html)

South Africa. *Independent Online* reported that hundreds of court records in the Western Cape region are lost or destroyed “and in some cases this may lead to convicted criminals being set free on appeal.” <http://www.iol.co.za/news/crime-courts/missing-court-records-bedevil-cases-on-appeal-1.1513336>

Spain. The new naturalization process for Sephardic Jews has yet to go into effect, although the change was announced last November (for background, see *HRWG News* 2012-12). In the interim, reported the *International Herald Tribune*, the Federation of Jewish Communities of Spain is creating a databank of the 1000 certification requests it has received. Under the new law, the Federation must certify the Sephardic origins of the applicants. <http://www.pressdisplay.com/pressdisplay/viewer.aspx>

Syria. Human Rights Watch called for the protection of evidence in the de facto control of local armed opposition groups. HRW researchers who visited Syria in late April reported that “government security branches in Raqqa city hold documents and potential physical evidence indicating that detainees were arbitrarily detained and tortured there while the city was under government control.” HRW warned, “Documents and material in these facilities could vanish or be destroyed if not properly secured” and recommended that “authorities . . . create a central repository in a secure and undisclosed location to receive and store this potential evidence until proper criminal investigations can be undertaken.” They also suggested that “if possible, copies of relevant materials should be made and stored in a separate location in case originals are destroyed or lost.” <http://www.hrw.org/news/2013/05/16/syria-visit-reveals-torture-chambers>

Timor-Leste. The International Crisis Group issued a report “Timor-Leste: Stability at What Cost?” In the section on police investigations, ICG notes that “both record-keeping and storage of evidence remain problematic,” and in the section on land laws (yet another example of the centrality of land questions around the world), it worries that if a proposed package of three laws on tenure, expropriation and compensation is passed, “the initiation of full titling will place a heavy burden” on the staff of the government’s land and property directorate.

<http://www.crisisgroup.org/~media/Files/asia/south-east-asia/timor-leste/246-timor-leste-stability-at-what-cost.pdf>

United Kingdom. The author of a new government report on patient information in health and social care argues that “people have become over-concerned about protecting confidentiality” and that if data is not shared due to privacy concerns “patients are at risk if clinicians base their decisions on inadequate data.” <http://www.guardian.co.uk/healthcare-network/2013/may/02/fiona-caldicott-review-patient-data>

Northern Ireland. The families of two people killed during the “Troubles” made a Freedom of Information request for the records of the inquest into the deaths. Initially denied by the Public Records Office of Northern Ireland, the Culture Minister overturned the decision and released the records. <http://www.bbc.co.uk/news/uk-northern-ireland-22648044>

United States. In a case that has occasioned thousands of media articles, the Justice Department seized phone and personal email records of James Rosen, a reporter for *Fox News*, and perhaps other journalists. The background is the prosecution of Stephen Jin-Woo Kim, a State Department contractor, for allegedly leaking classified information to Rosen about a planned North Korean nuclear bomb test. For a sample of the coverage, see a *Fox News* article and the *New Yorker* magazine on line blogs on the affair. <http://www.foxnews.com/politics/2013/05/24/holder-probing-holder-obama-orders-doj-review-over-search-warrant-ag-likely/>  
<http://www.newyorker.com/online/blogs/newsdesk/2013/05/how-justice-fought-to-keep-rosens-warrant-secret.html>; <http://www.newyorker.com/online/blogs/newsdesk/2013/05/the-justice-department-and-fox-news-phone-records.html>;  
<http://www.newyorker.com/online/blogs/newsdesk/2013/05/the-doj-versus-journalist-gmail.html>

Members of Congress continue to demand information from the Department of Defense about lost operational records from the wars in Afghanistan and Iraq. *ProPublica*, whose investigation last year exposed the “records deficit” (see *HRWG News* 2012-11), noted that the loss of the records makes it “harder for some veterans to obtain benefits and for historians to recount what actually happened.” <http://www.propublica.org/article/congressmen-to-hagel-where-are-the-missing-war-records>

The continued record-keeping problems at Veterans Administration facilities also create difficulties for veterans. According to the military newspaper *Stars and Stripes*, “more than 800,000 military veterans are now awaiting their benefits, with almost a quarter million having waited longer than a year.” It quotes an investigation that found that “97 percent of all veterans’ claims remain on paper,” but noted that while digitizing the claims process is a “worthwhile goal” it alone won’t clear the backlog. And a report by the U.S. Office of Special Counsel said “thousands of patient records at the VA hospitals in Buffalo and Batavia [New York] have likely been misplaced or damaged,”

reported the *Buffalo News*. <http://www.stripes.com/electronic-records-won-t-clear-va-backlog-1.221912>;  
<http://www.buffalonews.com/apps/pbcs.dll/article?AID=/20130522/CITYANDREGION/130529762/1003>

*New York*. An audit of the Erie County Department of Social Services found confidential records placed in “open boxes and totes” in the basement and on the outside loading dock, including “passports, birth certificates, payroll records, medical records, prison records, paystubs.” The county says the records are now in locked storage. <http://www.wivb.com/dpp/news/local/comptroller-records-left-in-open-boxes>

*Ohio*. The sheriff of Athens County sent some of his records plus 1800 case files of the county prosecutor to the county landfill (dump), reported *The Athens News*. It quoted the county prosecutor as saying his files contained “some material produced by his office that may not be in other files relating to the criminal cases” and that he is concerned that the loss “may interfere with the resolution of issues that may come up in the future with the cases, for example a criminal convict seeks judicial release or is charged with a probation violation.”  
<http://www.athensnews.com/ohio/article-39888-investigators-dig-fo.html>

*Tennessee*. A court ordered the Tennessee Department of Children’s Services to release to news media 42 case files on children’s deaths or near-deaths investigated by the Department. After reviewing the case files, *The Tennessean* editorialized, “A common thread . . . is the failure to keep records up to date – and while in the average business or government office that failure results primarily in waste and inefficiency, in children’s Services the results are that someone’s life may be in greater danger, and the ability to bring the perpetrator to justice is irreparably damaged.”  
[http://www.tennessean.com/article/20130516/OPINION01/305160017/Lax-recordkeeping-can-deadly-issue?nclick\\_check=1](http://www.tennessean.com/article/20130516/OPINION01/305160017/Lax-recordkeeping-can-deadly-issue?nclick_check=1)

*Uruguay*. General Miguel Dalmao was “convicted for human rights violations and sentenced to 28 years in prison for the death of a communist professor,” reported *The Guardian*. Although the general claimed that the professor committed suicide, the judge dismissed the argument, citing “physical and psychological autopsies that showed evidence of torture.” It is Uruguay’s first conviction of a serving general for human rights violations.  
<http://www.guardian.co.uk/world/2013/may/09/uruguay-general-convicted-activists-murder>

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