
Written and compiled by Trudy Huskamp Peterson, Chair, HRWG

Commentary.

In the back of the ballroom at the former British ambassador's residence, an old man dressed in white slouched behind a low railing. At the front of the room, his black robe flapping listlessly, the man's attorney argued to a panel of three judges, citing the Universal Declaration of Human Rights, precedents from the International Criminal Tribunal for the former Yugoslavia, and the principle that a person cannot be charged with a criminal offence for an action that was not a crime when you committed it (*nullum crimen sine lege*). Only a few visitors watched the proceedings from seats between the defendant in the back and the lawyers at the front. October 10, 2013, was an ordinary day in the extraordinary International Crimes Tribunal in Bangladesh.

The Tribunal was established in 2009 to investigate and prosecute persons who committed crimes against humanity, including genocide, during Bangladesh's war of independence in 1971. Previously a part of Pakistan following the end of British colonial rule in the subcontinent, the uneasy relationship between West Pakistan and East Pakistan, as Bangladesh was known then, led almost inevitably to an independence movement. The Pakistani Army tried to put down the revolt; at the end the Army withdrew to West Pakistan, taking with it many of the perpetrators who are outside the reach of today's Tribunal. The prosecutors instead are focused on persons who collaborated with the Army in opposition to independence. The trials, the procedures, and the verdicts have all been controversial, both inside Bangladesh and in the international human rights community. Still, they continue.

Given the high importance of the trials within Bangladesh and the emotionally charged context in which they operate, it is essential to preserve scrupulously the records of the Tribunal. These include not just the records of the proceedings, which are relatively simple to protect and preserve, but also the records of the prosecutors, the registrar, and the judges in chambers. These are all records of the State, and the State has the responsibility to protect them and make them available for study, while preserving the rights of those whose lives are reflected in them. The records of the defense counsels--private records--should also be preserved, but here the State's role is less direct. The State should ensure that the defense counsel are aware of their obligation to preserve the records of their participation in the trials and find a secure archives in which the records can be appropriately preserved.

A new book on the 1971 war in Bangladesh, Gary J. Bass's *The Blood Telegram: Nixon, Kissinger, and a Forgotten Genocide*, opens with a quotation from Czech novelist Milan Kundera's 1978 novel, *The Book of Laughter and Forgetting*: "[T]he bloody massacre in Bangladesh caused Allende to be forgotten, the din of war in the Sinai Desert drowned out the groans of Bangladesh, . . . and so on, and on and on, until everyone has completely forgotten everything." It is essential that the records of these trials, like the records of the crimes that were committed, are not forgotten, not drowned out, but instead are preserved and protected in competent archival hands.

News of the International Council on Archives. Reminder: The HRWG will meet on Friday, November 22, at 2 p.m., in Mechelin, Belgium, at Kazerne Dossin, the Belgian memorial, museum and documentation center on Holocaust and human rights. This is an open meeting but seating is limited, so if you plan to attend, please contact Trudy Peterson. A draft agenda is attached to this *HRWG News*.

International news.

International Commission on Missing Persons. The International Commission on Missing Persons, an intergovernmental organization, held a conference in The Hague. One of the delegates' recommendations was that "standards and adequate data protection should be ensured in the use of advanced forensic science." For the ICMP's press release, see <http://www.icmp.org/press-releases/missing-persons-as-global-problem/#more-1982>; for BIRN's report on the conference see http://www.balkaninsight.com/en/article/new-approach-urged-in-hunt-for-missing-millions?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=3cbc552bc5-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-3cbc552bc5-311109073 <http://www.icmp.org/press-releases/missing-persons-as-global-problem/#more-1982>

NATO. NATO inaugurated a website for "declassified and publicly disclosed NATO documents." http://www.nato.int/cps/en/natolive/news_104541.htm

United Nations Special Rapporteur on Cultural Rights. The United Nations General Assembly met from September 17 to October 4, and among the many agenda items was a report from the Special Rapporteur in the field of cultural rights. The report is the first of two planned studies "on historical and memorial narratives in divided and post-conflict societies." Among the conclusions and recommendations are items 89(c) and 89 (d):

(c) States should review regulations and practices regarding the use of libraries and archives. Issues to be examined include time limitations for the opening of archival records; procedures for granting access to archives documentation; provisions for classifying documents as State secrets; researchers' opportunities to photocopy, scan or photograph documentation; and possibilities of foreign researchers having access to archives and effective remedy in case of refusal to grant such access;

(d) States should make available important archives relating to the history of other countries, in particular former colonies, by digitizing records and making them freely available, and should consider research cooperation."

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/422/91/PDF/N1342291.pdf?OpenElement>

United Nations Support Mission in Libya (UNSMIL). UNSMIL, in cooperation with the Office of the UN High Commissioner for Human Rights, issued a report, "Torture and Deaths in Detention Libya," that says UNSMIL "has recorded 27 cases of death in custody where there is significant information to suggest that torture was the cause, and is aware of allegations about additional cases." The detention of persons by "armed brigades" not under government control is "a major factor facilitating the torture and other ill-treatment of detainees." To produce the report, UNSMIL workers "visited hundreds of detainees and interviewed dozens in private," obtained "testimonies from other detainees and family members; medical records (in cases of deaths in custody, a preliminary forensics report is issued to the family indicating the cause of death, and is usually followed later by a more detailed final report), and information from Libyan civil society organizations, as well as the United Nations International Commission of Inquiry on Libya." Among the recommendations is to have the Libyan government "develop a database for all

detainees with the full cooperation of the armed brigades holding detainees” and to maintain “careful records of all detentions and of all transfers of detainees between places of detention, so as to reduce the risk of enforced disappearances.” If perpetrators are to be held accountable, the records of UNSMIL (which ultimately go to the UN Archives) are important evidence.

<http://unsmil.unmissions.org/Portals/unsmil/Documents/Torture%20Report%20Libya%20En%2001Oct2013.pdf>

United Nations War Crimes Commission. And speaking of the UN Archives, it holds the records of the World War II era United Nations War Crimes Commission. In August, the publicly available records of the Commission were posted on the website of the International Criminal Court (for background see *HRWG News* 2013-08). Now a copy of both the restricted and unrestricted records will be given to the U.S. Holocaust Museum, the *Associated Press* reported.

<http://www.newser.com/article/da9ph7t80/us-ambassador-says-un-has-agreed-to-give-holocaust-muse>

World/general news. The capture of information from electronic systems by the U.S. National Security Agency and its partners dominated the press in October. By the end of the month, Brazil and Germany asked the U.N. General Assembly to adopt a resolution “calling on all countries to protect the right to privacy guaranteed under international law,” reported the *Associated Press*.

<http://bigstory.ap.org/article/un-resolution-aims-protect-right-privacy>

PwC, a research firm, reported that “more than a third (35%) of smaller European firms are risking prosecution under data retention laws by hoarding data beyond the scope and period required by law.” The businesses argued that they keep “all their employee, customer and financial information ‘in case it is needed.’” <http://www.techcentral.ie/22792/european-firms-hoarding-data-despite-strict-retention-laws>

The New York Times and *The Atlantic* ran stories about, in the *Atlantic*’s words, “ugly business websites that trawl sheriff and police databases for mugshots [photographs taken when a person is arrested], post those mugshots on their own sites, then charge arrestees to have their mugshots taken down.” The Reporters Committee for Freedom of the Press supports keeping mugshots public (the *Times* quoted an RCFP director saying, “What we have is a situation where people are doing controversial things with public records, but should we shut down the entire database because there are presumably bad actors out there?”), while others argue that open records advocates “need to rethink this issue” because the publication of the mugshots is “lifelong punishment” for the many people who “were never found guilty, or the charges against them were dropped.” http://www.nytimes.com/2013/10/06/business/mugged-by-a-mug-shot-online.html?pagewanted=all&_r=1&; <http://www.theatlanticcities.com/technology/2013/10/case-making-mugshots-private/7159/>

Bilateral and multilateral news.

Caricom/France/Netherlands/United Kingdom. Fourteen Caribbean nations hired the British law firm that won a suit against the U.K. for Kenyans who suffered under British rule (see *HRWG News* 2013-06) to prepare a case for compensation for the damages done by slavery in the Caribbean. Twelve of the countries involved were British possessions, while Haiti was French and Suriname was Dutch. The countries “plan to inventory the lasting damage they believe they suffered, and then demand an apology and reparations,” reported the *New York Times*.

<http://www.nytimes.com/2013/10/21/world/americas/caribbean-nations-to-seek-reparations-putting-price-on-damage-of-slavery.html> Archives would certainly be part of this inventory; for a discussion of the challenges in calculating the cost of slavery, see the *Wall Street Journal* <http://online.wsj.com/news/articles/SB10001424052702304682504579155801059827092>

Finland/Russia. Following an agreement reached in the spring of 2013, archivists from the National Archives of Finland are working with the archivists of the FSB, the Russian secret service that replaced the KGB, to gain access to historical documents relating to the relationship between Finland and the USSR between 1953 and 1956. http://yle.fi/uutiset/kgb_archives_set_to_open_up_to_finnish_researchers/6869644

Guatemala/United States. Jorge Vinicio Sosa Orantes was convicted in California of immigration fraud: “unlawful procurement of naturalization and making false statements on U.S. immigration forms for omitting his membership in the Guatemalan military and lying when he indicated he had never committed a crime for which he had not been arrested.” As *Pro Publica* reported, Sosa was a member of the special military force, the Kaibiles, which massacred the residents of the village of Dos Erres in 1982. Guatemala is seeking his extradition from the United States; Guatemalan courts have convicted five Army veterans for the Dos Erres massacre. (For background, see *HRWG News* 2012-09.) <http://www.propublica.org/article/ex-guatemalan-commando-guilty-of-concealing-role-in-massacre>

Iraq/United States. Following the announcement that the U.S. National Archives would exhibit Jewish material from Iraq prior to returning the items to the Iraqi government (for background, see *HRWG News* 2013-08), a campaign has been launched to stop the planned transfer. U.S. Senator Charles Schumer protested to the State Department, which “rebuffed” his request. [But an Israeli journalist argued to return the materials to Iraq and build a special museum for them.](#) A website on the issue is found at <http://iraqjewisharchives.org/>. http://www.schumer.senate.gov/new_website/record.cfm?id=346916; http://www.al-monitor.com/pulse/originals/2013/10/iraq-jewish-community-archives-sadam-hussein-usa.html?utm_source=&utm_medium=email&utm_campaign=8476

Japan/Korea/Netherlands. Korea’s *Arirang News*, quoting Japan’s *Kyodo News*, says a 500 page court document “made available” in September by the National Archives of Japan “shows the Japanese military, during World War II, coerced 35 Dutch women into sexual slavery in Indonesia.” http://www.arirang.co.kr/News/News_View.asp?nseq=151952

Pakistan/United States. *The Washington Post* reported that it had obtained “top secret CIA documents and Pakistani diplomatic memos” that show Pakistan’s government cooperated with the United States on drone attacks in Pakistan’s tribal region that have killed hundreds of Pakistani residents. http://www.washingtonpost.com/world/national-security/top-pakistani-leaders-secretly-backed-cia-drone-campaign-secret-documents-show/2013/10/23/15e6b0d8-3beb-11e3-b6a9-da62c264f40e_story.html

Poland/Russia. The European Court of Human Rights (ECHR) ruled that Russia “failed to comply” with its obligation under the European Convention on Human Rights to “submit a key procedural decision which remained classified” and to “furnish necessary facilities for examination of the case” of the killings of Polish prisoners of war by the USSR in 1940, known as the Katyn massacre. Of the 183 volumes of records from the Russian investigation into the massacre (an investigation that lasted from 1990 to 2004), 36 volumes were not provided to the families and the Russian NGO Memorial because the military classified them as “top secret,”

including the decision to discontinue the investigation. The ECHR said the Russian court that heard the families' case did not do "a substantive analysis of the reasons for maintain the classified status" and "had not performed a balancing exercise between the alleged need to protect the information held by the federal Security Service . . . on the one hand, and the public interest in a transparent investigation into the crimes of the previous totalitarian regime, on the other hand."

<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-127684>

United Kingdom/former colonies. For two years *HRWG News* has reported on the archives of the former British colonial administration known as the "migrated archive," now being transferred to the National Archives (see, for example, *HRWG News* 3013-06). Now *The Guardian* reports that the Foreign Office has another secret archives it calls "Special Collections" that includes records dating back to the 19th century and is "estimated to hold around 1.2 million files." Among the files, according to an inventory the newspaper saw, are over 6 meters of files on Rhodesia and 50 meters of files on Hong Kong. The Foreign Office said it will present a plan in November to declassify and transfer the records to the National Archives.

<http://www.theguardian.com/politics/2013/oct/18/foreign-office-historic-files-secret-archive>

Hong Kong's *South China Morning Post* picked up the story and said "the discovery may reignite debate about the lack of an archive law" in Hong Kong. <http://www.scmp.com/news/hong-kong/article/1335574/files-hong-kong-among-secret-british-government-archive>.

National news.

Australia. The *Brisbane Times* reported that researchers believe that "scores of World War II files appear to have been censored over the past 20 years by the Australian Archives." The information withheld includes "names of collaborators, . . . locations of graves of murdered civilians and . . . details of torture and murder meted out to Australian soldiers." The director-general of the National Archives told the press that "claims that files that were once open had now been censored did not seem to be correct" and that "the archives can respond to a request to make a fresh examination of the exempt material to consider its release."

<http://www.brisbanetimes.com.au/national/wwii-files-on-torture-censored-researchers-20131011-2vdpo.html>

Bosnia. Bosnia took its first postwar census. In five counting areas in Srebrenica the census had to be repeated because "a range of violations was spotted," reported *BIRN*, including one incident where "a few enumerators from Srebrenica had tried to take the questionnaires across the border to Serbia." The census results are to be issued in three months.

<http://www.balkaninsight.com/en/article/census-to-be-repeated-in-few-bosnian-areas>

Bulgaria. The Bulgarian Parliament is considering a bill to "prevent the disclosure of records of the collaboration of high-ranking intelligence officers and senior officials of the Defense Information Service of the Defense Ministry with the communist-era secret service, State Security," reported *novinite.com*. Bulgaria established the "Dossier Commission" in 2006 to publicly disclose the former members of the communist-era secret service who hold positions of influence. The *Sofia Globe* reported that some members of the Bulgarian Socialist Party (BSP) want to "move the Dossier Commission under the aegis of the State Archives Agency, whose previous head was fired by the BSP cabinet and replaced by Ivan Komitski, a retired long-term Interior Ministry and State Agency for National Security official." When that replacement was made in late summer, 56 academics wrote an open letter protesting the appointment, saying that Komitski in 1990 carried out the orders of the Interior Minister to destroy the files that State

Security had on victims and collaborators: “Today, all that’s left of these archive files are the eradication protocols, some of which feature Mr. Komitski’s signature.”

<http://www.novinite.com/articles/154319/Bulgaria+to+Reintroduce+Ban+on+Disclosure+of+Communist-Era+State+Security+Files+of+Senior+Intelligence+Officers>;
<http://sofiaglobe.com/2013/10/20/bulgarian-socialist-party-mps-mulling-moves-to-muzzle-dossier-commission-reports/>

Cambodia. A feature article in the *New York Times* reported on conflicts in Cambodia between farmers and the sugar industry over land and jobs. Part of the land problem stems from the Khmer Rouge years: “[A] less-known aspect of their rule was the systematic destruction of nearly all land records in Cambodia. Land ownership is now ambiguous.”

<http://www.nytimes.com/2013/10/01/business/international/in-cambodias-cane-fields.html>

Canada. The Federal Privacy Commissioner said that the Financial Transactions and Reports Analysis Centre of Canada, the government agency responsible for monitoring financial institutions for illegal activity, “is still collecting and keeping personal information it should not have, even though it was warned to stop gathering such data four years ago,” reported the *National Post*. <http://news.nationalpost.com/2013/10/25/a-government-agency-has-amassed-165m-files-many-with-personal-details-it-has-no-right-to-collect/>

In a continuation of reporting on the Huronia Regional Centre that housed “developmentally disabled” persons in Ontario until 2009 (see *HRWG News* 2013-09), *The Star* attempted to determine who was buried in a grave marked only with a number. Using all available documents, the reporter found two possibilities but could not determine whose grave it was.

http://www.thestar.com/news/gta/2013/10/20/newly_released_case_files_reveal_details_of_huronia_regional_centre_children.html

Croatia. Croatia’s 93-year-old former interior minister was indicted, charged with ordering the killing in May and June 1945 of 21 persons alleged to be collaborators in the country’s Nazi-affiliated Ustasha regime, *BIRN* reported. The man’s lawyer said he will “present documents to the court which will reconstruct in detail what happened, and prove that [he] didn’t perpetrate the crime.” It is not clear what archives would have the evidence and whether they would be in Croatia or Serbia, which were politically united at the time.

http://www.balkaninsight.com/en/article/croatian-ex-minister-wwii-crimes-indictment-confirmed?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=b21e01e8ad-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-b21e01e8ad-311109073

The Zagreb-based NGO Documenta is collecting personal testimonies on video and posting them online in a project called “Croatian Memories: Unveiling Personal Memories on War and Detention,” *BURN* reported. Documenta’s president said that “history still burdens everyday life in Croatia and the former Yugoslav region, where ‘historical traumas have been transferred from generation to generation’ and it is necessary to create ‘a memorialization culture which will open up space for victims from all sides.’” <http://www.balkaninsight.com/en/article/croatia-personal-war-memories-collection-presented>; <http://www.croatianmemories.org/en/>

Ecuador. A judge ordered the arrest of three army and police officers and six other retired senior officers be put under house arrest. They are accused of abducting and torturing members of an illegal opposition group, Eloy Alfaro Popular Armed Forces, in 1985. *BBC News* quoted the director of the Prosecutor’s Office Truth Commission as saying crimes against humanity only

began to be investigated in 2007; this will be Ecuador's first trial involving such crimes. Records of the police and army would be relevant, if the prosecutors are able to gain access to them. <http://www.bbc.co.uk/news/world-latin-america-24357658>

Egypt. Ansar Beit el-Maqqdis, an insurgent group, released a 30 minute video "providing evidence that it orchestrated a deadly car bombing" in Cairo, the *New York Times* reported. The video "includes surveillance footage taken beforehand at the street corner near the minister's house where the bombing later occurred; footage of the explosion as it takes place; and statements recorded in advance by the suicide bomber who carried out the attack." The minister escaped injury, but one person was killed and 20 were injured. <http://www.nytimes.com/2013/10/28/world/middleeast/video-offered-to-back-claim-of-cairo-attack.html>

El Salvador. Five days before the UN-sponsored truth commission made its report in March 1993, the Salvadoran parliament passed an amnesty law protecting perpetrators of human rights violations committed before January 1992. This year, on September 20, the Salvadoran Constitutional Court agreed to hear arguments challenging the constitutionality of the amnesty law. Reporting on this development, the International Center for Transitional Justice, a U.S. NGO, highlighted the work of the Salvadoran NGO Co-Madres, which has documented 8,000 cases of forced disappearance by "gathering testimonies, police claims, photos, and other documents" although Co-Madre's archives has been stolen five times. http://ictj.org/news/twenty-years-later-chance-accountability-el-salvador?utm_source=International+Center+for+Transitional+Justice+Newsletter&utm_campaign=aa14e33662-ICTJ+In+Focus+Issue+33+Oct+2013&utm_medium=email&utm_term=0_2d90950d4d-aa14e33662-237813513

Another major set of documentation of crimes against humanity is the archives of Tutela Legal del Arzobispado, the legal aid office of the archbishop of San Salvador. According to *IPS*, the files "contain the accounts given by survivors and victims' families on audiotapes, videotapes and written documents, photos of victims and relatives, and documentation of places and dates of massacres and other crimes committed during the 1980-1992 civil war" and files on post-war cases of human rights abuses. The Church abruptly closed the legal office on September 30, leaving the status of its 50,000 files uncertain. The University of Colorado holds a microfilm copy of Tutela Legal files; thank you to Bruce Montgomery for that information. <http://upsidedownworld.org/main/news-briefs-archives-68/4518-activists-struggle-to-recover-human-rights-archives>

Ethiopia. Human Rights Watch published a report titled, "'They Want a Confession': Torture and Ill-Treatment in Ehtiopia's Maekelawi Police Station." The report is "based primarily on interviews" with 30 men detained in the prison (including two Swedish journalists) and "about five family members and lawyers of current or former Maekelawi detainees," with the interviews lasted from one to "more than ten" hours. This documentation of "serious human rights abuses, unlawful interrogation tactics and poor detention conditions" again points to the importance of preserving the records of human rights NGOs such as Human Rights Watch. http://www.hrw.org/sites/default/files/reports/ethiopia1013_ForUpload_0.pdf

Greece. Following the case in which Greek police took a small girl from her Roma parents because they suspected the child had been abducted, a Greek prosecutor "ordered an emergency nationwide investigation . . . into birth certificates issued over the past six years," reported the *New*

York Times. http://www.nytimes.com/2013/10/23/world/europe/roma-abduction-case-prompts-birth-certificate-review-in-greece.html?_r=0

Hungary. Bela Biszku, a 92-year-old former interior minister, was charged with war crimes. The prosecutor says he was on a committee of the Communist Party that ordered the shooting of civilians in Budapest and Salgótarján during the Hungarian uprising against Soviet rule in 1956. However, as Eva Balogh writes in her blog *Hungarian Spectrum*, “The connection between Biszku and the Salgótarján-Western station massacres was already investigated once in the early 1990s. At that time prosecutors turned the archives upside down but couldn’t find any direct link between Biszku, who at that time wasn’t even minister of the interior but a member of a temporary committee of the party handling the immediate work of getting things back to “normal,” and the two massacres. As far as we know, no new documents have surfaced since.”

<http://hungarianspectrum.wordpress.com/2013/10/27/lex-biszku-charge-of-homicide-and-high-treason-but-can-it-be-proven/>

Montenegro. The Council of Europe expressed “major concern” that “part of Montenegro’s RAE [Roma, Ashkali and Egyptian] population still do not have proper papers” that will allow them to get work, healthcare and education, *BIRN* reported. http://www.balkaninsight.com/en/article/part-of-montenegro-s-refugees-still-lacks-basic-papers?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=a2e15aca1d-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-a2e15aca1d-311109073

Nigeria. The *Associated Press* obtained mortuary records from the Sani Abacha Specialist Teaching Hospital in Maiduguri, the birthplace of the Boko Haram rebel movement, for the nine months from October 5, 2012, to July 5, 2013. It reported that the records “show that the number of detainees who died in military custody more than tripled in June, after a state of emergency was declared” in the area and that the number of deaths was “much larger than the estimated number of Boko Haram fighters.” <http://bigstory.ap.org/article/nigerias-military-killing-thousands-detainees>

Pakistan. The governor of Punjab promulgated the Punjab Transparency and Right to Information Ordinance, “allowing people to open up secrecy doors of the government for the first time in history,” *Dawn* reported. <http://dawn.com/news/1047557/right-to-information-ordinance-promulgated>

Russia. A team of Russian investigative journalists obtained “government procurement documents and tenders from Russian communication companies” that show that newly installed telephone and internet capacities in Sochi will “give the FSB [Russian security service] free rein to intercept any telephony or data traffic and even track the use of sensitive words or phrases mentioned in emails, webchats and on social media” during the Olympic games, *The Guardian* reported. <http://www.theguardian.com/world/2013/oct/06/russia-monitor-communications-sochi-winter-olympics>

Sierra Leone. Sierra Leone’s parliament passed the Right to Access Information Act, the first right to information law in the country’s history. Human Rights Watch reported that the country “applied to join the Extractive Industries Transparency Initiative, which works to improve openness and accountability about how revenues from natural resources get managed [b]ut its bid was suspended in February, pending further information, because of insufficient documentation of mining revenues and company payments.” The new law should help fill these gaps. Thanks to Andreas Nef for information. <http://allafrica.com/stories/201310300856.html>

Slovakia. The Slovak government's Institute of National Memory was established to provide access to the records of the activities of the secret police of Czechoslovakia between 1939 and 1989. *TASR* reported that the members of the Institute's board "unanimously approved a resolution" against the board chairman "who in the long term disrespects the position and tasks of the institute's bodies."

http://spectator.sme.sk/articles/view/51715/10/upn_head_accused_of_sabotaging_institute_responds_its_part_of_discrediting_campaign.html

South Africa. A fire in a warehouse in Pinetown, KwaZulu-Natal, consumed "millions of government, bank and private documents" and may have been arson, *iol news* reported. Documents "strewn" after the fire included "certified ID copies, original bank slips . . . government documents from the Department of Agriculture, salary information, payslip duplicates and insurance documents." A staff member of the facility told the press that "the facility housed 80 percent of preserved documents in KZN." <http://www.iol.co.za/news/crime-courts/arson-suspected-in-metrofile-fire-1.1591157#.U11d5hB4y9l>

Syria. The International Center for Transitional Justice published a briefing paper "Towards a Transitional Justice Strategy for Syria." Among other recommendations, it says, "a significant amount of work has been done and large collections of data and documents already exist with regard to systematic human rights violations in Syria. One question is what should happen with this information. If such collections are handed over to a specially created department of a UN Mission, when established, the department should work with a national commission to ensure that information is properly controlled, does not get into the wrong hands, or risk the safety or due process rights of any individuals. Similarly, efforts to obtain and preserve documentation should, as far as possible, be coordinated through the UN mission and the national commission to ensure both good practice and maximum efficiency. A UN mission department dealing with such matters should include experienced staff with expertise on archiving, consultation, and transitional justice mechanisms." The HRWG has called ICTJ's attention to the need to also ensure the secure preservation of records of the security forces, both police and military.

http://www.ictj.org/sites/default/files/ICTJ-Syria-Analysis-2013_0.pdf

Tunisia. Amnesty International issued a report, "Tunisia: When Bones Speak, The Struggle to Bring Faysal Baraket's Torturers to Justice," which provides good insight on the role of autopsy reports in human rights investigations and, in this case, the falsification of an autopsy report.

<http://www.amnesty.org/en/library/asset/MDE30/016/2013/en/ec72c8ed-8ffe-4d67-95b7-f548d26f1c95/mde300162013en.pdf>

Ukraine. Over 300 Torah scrolls seized from Ukrainian synagogues by Soviet authorities and taken to Russia in the 1920s were returned two years ago to the Central Kiev Synagogue. The state archives then claimed that the scrolls were owned by the state and demanded that they be turned over to the archives. Now a Ukrainian court has ruled that the Torahs belong to the local Jewish community and not the state archives, *The Times of Israel* reported.

<http://www.timesofisrael.com/ukraine-court-says-seized-torahs-belong-to-jews/>

United Kingdom/Northern Ireland. *The Guardian* reported that the U.K. Ministry of Defence is holding more than 66,000 historic files in a warehouse in Derbyshire, many of which should have been transferred to the National Archives. Included in the holding are "hundreds and hundreds of boxes' each containing about 10 files that were sent to the warehouse when the British army's Northern Ireland headquarters closed four years ago." They include records are "from the 1970s and early 80s, some of the most bloody and controversial years of the Troubles," and the Ministry

of Defence had not told the Historic Enquiries Team, a “police unit that is reviewing hundreds of violent deaths during the conflict,” that the files exist. <http://www.theguardian.com/uk-news/2013/oct/06/ministry-of-defence-files-archive>

United States. The *New York Times* published a story on the information obtained by the Transportation Security Administration before passengers arrive at an airport by “searching a wide array of government and private databases that can include records like car registrations and employment information.” http://www.nytimes.com/2013/10/22/business/security-check-now-starts-long-before-you-fly.html?_r=0

On the one year anniversary of hurricane Sandy, *salon.com* reported on the “huge and still unquantifiable loss of records held by the Federal Bureau of Investigation” in several storage locations in New York and New Jersey that were flooded.
http://www.salon.com/2013/10/31/sandy_partner/

United States/California. The Los Angeles school district reviewed forty years of its personnel records, looking for “letters complaints or other reports of inappropriate behavior that may have been ignored or mishandled.” So far two teachers have resigned, two more may be fired, and two remain under investigation as a result of the review, reported the *Los Angeles Daily News*. The review was triggered by a sex abuse scandal in which a former teacher was accused of molesting 23 students. <http://www.dailynews.com/social-affairs/20131005/lausd-unearths-suspected-misconduct-in-search-of-old-personnel-files>

A man stole two laptops from a hospital group’s office in Alhambra that contained information on 729,000 patients, the *Los Angeles Times* reported. <http://www.latimes.com/local/lanow/la-me-ln-laptops-theft-20131022,0,3223986.story#axzz2ih9LiFuX>

United States/Florida. In a stark reminder of the importance of documents, two men escaped from a Florida jail by using forged release orders, complete with case numbers and a judge’s forged signature. They were captured and returned to custody within a week.
<http://www.nytimes.com/2013/10/21/us/inmates-caught-hunt-shifts-to-who-faked-release-order.html>

United States/Illinois. A judge ruled that old police files of investigations of police actions, all of which were to be destroyed under a union contract but were not destroyed, should be released under the state’s Freedom of Information Act, writing, “The fact that public becomes aware that a particular police officer was subject to an internal affairs investigation is not irreparable harm,” reported the *State Journal Register*. <http://www.sj-r.com/breaking/x450312228/Judge-Schmidt-rules-that-old-police-internal-affairs-files-should-be-public>

A bankruptcy judge approved the destruction of thousands of old medical records at the former Edgewater Medical Center, which closed in 2001 after a massive scheme to defraud federal health insurance programs was uncovered, reported the *Chicago Tribune*.
<http://www.databreachtoday.asia/breach-guilty-plea-leads-roundup-a-6136>

United States/Iowa. “Key performance and disciplinary records from the Department of Public Safety’s 2008 training academy have gone missing from a locked storage unit—a suspicious development that has undermined the investigation of a hazing incident that year,” reported the *Associated Press*. <http://www.sfgate.com/news/crime/article/Mystery-of-missing-records-taints-Iowa-hazing-case-4888139.php>

United States/Minnesota. An employee of the state's online health insurance exchange sent an email file to an insurance broker that contained "Social Security numbers, names, business addresses and other identifying information on more than 2400 insurance agents," the *Star Tribune* reported. <http://www.startribune.com/business/223564521.html>

Venezuela. The government created a new entity, the Strategic Center for Security and Homeland Protection, that has authority to control and classify all information concerning "internal and external enemy activity, that comes from all state security and intelligence organizations, as well as other public and private bodies." The Inter American Press Association and various NGOs strongly opposed the powers given to the new body. For a summary, see <http://venezuelanalysis.com/news/10111>

Publications, conferences

The International Institute for Archival Science (Trieste/Maribor) published also a special edition of *Atlanti* in honor of the 80th birthday of Charles Kecskemeti, the long-serving former secretary-general of the International Council on Archives. To obtain a copy, contact info@iias-trieste-maribor.eu.

The fourth Apartheid Archive Conference will be held in Pretoria, South Africa, 21-23 May 2014. It will explore "reflections of the racial engineering of city spaces, locations and dislocations in the narratives contained in the Apartheid Archive, its effects on all aspects of the lived realities of ordinary South Africans during this period, and the echoes of this engineering in the occupation, usage and continued racial fragmentation of city spaces and social life in contemporary South Africa." For information, contact Marinda Maree marinda.maree@up.ac.za or <http://www.apartheidarchive.org>

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Agenda

Friday, November 22, 2013, at 14:00
Kazerne Dossin
Mechelin, Belgium

1. Statement of responsibilities for human rights archives
Report, Giulia Barrera and Sigrid McCausland
2. Newsletter
Elements to add or eliminate? Translations?
3. Project on a standard agreement on copying archives and exporting copies
Report, Michael Hoyle
4. Business archives, transparency and human rights
Discussion of possible projects
5. Bibliography of basic writings on archives and human rights
Swisspeace bibliography
http://archivesproject.swisspeace.ch/fileadmin/user_upload/archivesproject/Publications/MAS_TER_Resources_Archives_and_Dealing_with_the_Past_Jan13.pdf – is this sufficient?
6. Human rights in the training of archivists
Should curriculum development on human rights topics be pursued with the relevant ICA and regional organizations? Should we encourage training, panels and presentations at annual meetings?
7. Directory project
Report, Aileen Cornelio and Tessa Fallon
Discuss expansion: to institutions with important holdings but who do not see themselves as human rights archives? To parts of government archives? Criteria?
Website issues
8. Round table discussion