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Commentary: 2013 in Review.

A look back on a variety of stories of the past year:

January: The Philippine Congress passed legislation awarding compensation to thousands of victims of human rights abuses under Ferdinand Marcos' 20-year rule; claimants are required to provide documentary proof of their injuries.

February. Ireland released a report concluding that records show "significant state involvement" in the incarceration between 1922 and 1996 of women and girls in workhouses operated by the Catholic Church known as "Magdalen laundries."

March. UNICEF released a report estimating that 700 Palestinian children aged 12 to 17 are arrested, interrogated and detained each year in the occupied West Bank by military, police and security agents.

April. The Diversityworks Trust of New Zealand is developing an online national archives of film and video material relating to the New Zealand deaf community.

May. Stasi records reveal that pharmaceutical companies from West Germany and other Western countries tested new drugs on unsuspecting East Germans.

June. Edward Snowden revealed the massive data collection activities of the U.S. National Security Agency.

July. Hissene Habre, the former dictator of Chad, was arrested and brought before the special court set up in Senegal to try him; he will face evidence from his own records that were found by Human Rights Watch in 1990 after Habre was deposed.

August. Long-lost medical records of the world's first recognized radiation sickness patient were recovered 68 years after the victim died within weeks of being exposed to the atomic bomb in Hiroshima; the records apparently had been taken home by an employee of the hospital where she was treated.

September. Details of nearly 5000 persons killed by the Afghan Communist government in 1978 and 1979 were released on the web site of the Netherlands national prosecutor's office; the information came from a deceased United Nations Special Rapporteur for Afghanistan.

September-October-November. On September 30 the Archbishop of San Salvador abruptly closed the office of Tutela Legal, its legal office that had very significant documentation on human rights abuses in the country. Protests followed in October. Then in November armed men broke into the

office of Pro-Busqueda, a nongovernmental organization that works to locate children missing from El Salvador's 1980s civil war; they set fire to the archives, destroying about 80% of them, and stole the computers.

November. Switzerland passed a law allowing it to provide "safe haven" for endangered cultural materials, including archives, from other countries.

December. The United Nations High Commissioner for Human Rights announced that there is massive evidence of human rights violations by all parties including the government of Syria.

These are only a sample of the archives and human rights stories, positive and negative, from 2013. Every part of the world provided news items, and all types of institutions—government, business, religious bodies, educational institutions, civic organizations—were involved.

Thank you to all who provided news and suggestions this past year. Thank you, too, to the compilers of news stories and bloggers; this monthly summary would not be possible without you. And finally a big thank you to all the journalists who provide the reporting that allows us to know and to react to the events in our imperfect world.

News of the International Council on Archives. ICA wrote to the Archbishop of El Salvador asking that the records of Tutela Legal be preserved and to El Salvador's special prosecutor for human rights, urging that those who destroyed the records of Pro-Busqueda be held accountable.

The Human Rights Working Group wrote to the United Nations Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence and the Special Rapporteur in the Field of Cultural Rights, commenting on their recent reports and offering assistance. Copies of those letters are found in Appendix A and B. The Special Rapporteur in the Field of Cultural Rights acknowledged receipt of the letter.

An index of the countries and international institutions covered in the 2013 issues of *HRWG News* is available by writing to trudy@trudypeterson.com. If links in the older stories no longer work, copies of most stories (reasonable quantities) can be obtained by writing to the same address.

International news.

International Criminal Court. The prosecutor in the case against Kenya's president Uhuru Kenyatta for crimes against humanity during the electoral violence in 2007-2008 asked for a three month delay to obtain more evidence, reported the *Institute for War and Peace Reporting*. She asked the judges to compel the Kenyan government to hand over Kenyatta's financial records, writing, "It is necessary to exhaust this line of inquiry—hitherto blocked by [the government]—to determine whether the existing witness testimony regarding the accused's alleged funding of the [electoral violence] can be corroborated by documentary evidence."

http://www.eurasiareview.com/23122013-icc-case-kenyan-president-unravels/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Special Court for Sierra Leone. The Special Court ceased to exist as of December 31 and was replaced by the Residual Special Court for Sierra Leone, which is responsible for the Court's witness protection program, the supervision of prison sentences and the management of the Court's archives. <http://www.rscsl.org/>

United Nations High Commissioner for Human Rights. Demonstrating again the importance of records of United Nations fact-finding missions, the High Commissioner for Human Rights told reporters that the four-person panel investigating human rights offenses in Syria compiled "massive evidence" including "lists of names of individuals, military units and intelligence agencies implicated in the human rights abuses committed on a wide scale since the conflict began in March 2011," the *New York Times* reported.

http://www.nytimes.com/2013/12/03/world/middleeast/top-un-rights-official-links-assad-to-crimes-in-syria.html?_r=0

World/general news.

Scientists at three Canadian universities used butterfly collection records from natural history museums to "generate a record of a species' geographical distribution, and indicators of its life-cycle timing" to serve as "indicators for how climate change is affecting wildlife since their [butterfly] physiology and behavior is so sensitive to the environment around them." The team pointed out, "Museums hold hundreds of thousands of specimens and observations collected around the world for centuries—even in places that lack other conventional, modern record-keeping" and calls museum archives "a very under-used resource." The team is worried that reduced science budgets means that the money "for compiling, digitizing and housing these records disappears." <http://theconversation.com/a-century-of-museum-records-reveal-species-changing-lives-20727>

The *New York Times* published an analysis of how names are placed on U.S. watch lists of known or suspected terrorists, where these names are recorded and with whom they are shared.

<http://www.nytimes.com/2013/12/01/sunday-review/who-is-watching-the-watch-lists.html>

Bilateral and multilateral news.

Argentina/Chile/Uruguay/United States. The first stage of the Plan Condor trial in Argentina, which centered on Uruguayan victims, concluded and will resume in March focusing on Chile, *Pagina/12* reported (for background, see *HRWG News* 2013-03). The importance of archives in the trial was underlined by the leader of CELS, a human rights organization representing several victims: "Una de las líneas que se podrá profundizar con el análisis de la documental es la

intervencion de Estados Unidos. Esto y los testigos de concepto van a permitir visibilizar en el juicio la coordinacion repressive.” A key document is a declassified cable from a U.S. FBI agent in 1976 that describes in detail the conspiracy to share intelligence and eliminate leftists across South America. <http://www.pagina12.com.ar/diario/elpais/1-235675-2013-12-14.html>

Armenia/Turkey. *Al-Monitor* reported on an article in the bilingual Turkish-Armenian weekly *Argos* that said the Turkish Historical Society asked the government’s Higher Education Board for “details of the academics studying the Armenian issue.” The Board, which keeps an electronic database of all master’s theses and Ph.D. dissertations in the social science written each year (topics and titles), reported that only four of these have been written on the Armenian genocide “and, as their titles immediately suggest, they all reflect Turkey’s official position on the massacres.” *Argos* argues that the Historical Society wants to “control the academia and keep records of those working on the Armenian problem” since the Society “does not officially recognize the Armenian genocide.” http://www.al-monitor.com/pulse/originals/2013/12/turkey-armenia-genocide-academic-research-media-exposure.html?utm_source=&utm_medium=email&utm_campaign=8781#

Australia/Timor-Leste. Timor-Leste filed suit against Australia at the International Court of Justice after agents of the Australian Security Intelligence Organisation raided and seized documents from the office of the Australian lawyer representing Timor-Leste in a dispute with Australia over “certain maritime arrangements [about oil and gas] in the Timor Sea,” reported *The Guardian*. Timor-Leste also alleges that Australia bugged the Timor cabinet’s office during the 2004 negotiations on the treaty at issue. It asked the Court to return the documents, give assurance that it will not intercept any future communications with Timor’s lawyers, and apologize for the past actions. <http://www.theguardian.com/world/2013/dec/19/timor-leste-asks-un-court-to-order-australia-return-seized-documents>

China/Hong Kong/United Kingdom. A letter to the editor in the *South China Morning Post* from the former Government Records Service Director commented on the report that there had been mass destruction of records in Hong Kong at the end of the British administration of the colony (for background, see *HRWG News* 2013-11). Rather, he wrote, “it was the policy of both the British and Hong Kong governments that the records of the Hong Kong colonial government and its archives should be passed in their entirety” to the new government. He contrasted that to the “recent mass destruction of Hong Kong government records” and urges passage of an archives law for Hong Kong. <http://www.scmp.com/comment/letters/article/1375466/hong-kongs-colonial-era-records-remain-intact>

France/Tunisia. In June 2013 the government of France gave the family of Tunisian labor leader Farhat Hached its file on his assassination in 1952 (for background, see *HRWG News* 2013-04). The Farhat Hached foundation has now made these documents available on its website, reported *Huffington Post Maghreb*. http://www.huffpostmaghreb.com/2013/12/02/archives-farhat-hached_n_4372279.html

Greece/Italy. Italy held the Aegean islands of the Dodecanese from 1912 to 1947, when they were ceded to Italy. During the Italian period, approximately 90,000 files on individuals living in the islands were compiled by the Italian Royal Carabinieri group – Special Office, and these records remained with the Rhodes police after Italy withdrew. The records have now been transferred to the Dodecanese state archives, which is processing them for research use. According to *ANSamed*, the records include “permits and authorizations, as well as confidential reports, records of personal habits, political views and much more.” The archivists will develop rules for research “keeping certain data, such as health status or sexual preference, from public view.”

http://www.ansamed.info/ansamed/en/news/sections/generalnews/2013/12/03/Italian-Dodecanese-thousands-secret-police-files-emerge_9718295.html

Iraq/United States. An article that tries to explain how the Iraqi Jewish material ended up in the hands of the Iraqi security service was published by *The Times of Israel*.

<http://blogs.timesofisrael.com/how-did-saddam-seize-the-jewish-archive/>

South Africa/Switzerland. The death of Nelson Mandela reopened the discussion in Switzerland about disclosing the records of the close relationship between the Swiss government and the apartheid regime in South Africa from the 1950s until the end of the 1980s. (In spite of the UN embargo, Swiss banks and industrial companies continued to do business in South Africa.) In 2000, the Swiss Research Foundation began a major study of this history; however, as a result of lobbying by Swiss banks and after a lawsuit was filed in the U.S. by anti-apartheid groups against Swiss business operations in 2002, the Swiss government refused to permit access to the relevant files kept at the Swiss Federal Archives, including files that had been disclosed previously and partly consulted by the study group. Since that time, Swiss historians have published major parts of the history based on records in South Africa, Washington and London, but evidence of many details on South Africa’s gold exports via Switzerland, on war material sold by Swiss companies, and contacts between intelligence services are still unknown. Members of parliament have asked the ruling Federal Council when it will open the archives; thus far, the Council has said that the records would be closed so long as the litigation is still pending. Thanks to Hans von Rutte for the extensive background information and links.

<http://www.khulumani.net/reparations/corporate/item/903-breaking-news-swiss-parliament-debate-on-the-decision-to-keep-the-archive-closed-on-the-involvement-of-swiss-companies-with-apartheid-south-africa.html>;

http://www.swissinfo.ch/eng/politics/Swiss_keep_South_Africa_archives_locked_away.html?cid=37524384 (article available in several languages); http://www.letemps.ch/Page/Uuid/8f03f534-643b-11e3-affb-b439bcf8b9a3/Apartheid_des_archives_si_embarrassantes#.UrICxCfsPZg;
<http://www.tagesanzeiger.ch/schweiz/standard/Akten Sperre-Suedafrika-auf-Befehl-des-Zuercher-Paradeplatzes/story/30325830>

Switzerland/United States. Syngenta, a multi-billion dollar biotech company headquartered in Switzerland, successfully argued to the Hawaii Department of Agriculture that “more than 1000 pieces of information from the 500-plus pages of information” on a pesticide manufactured by Syngenta should be withheld from release to a newspaper which asked for the records, claiming

that the information, if publicly disclosed, “could undermine the company’s ability to compete in the marketplace.” Some students in a school had health problems that parents and teachers suspect was caused by “pesticide spraying on a nearby field owned by the biotech company,” *Civil Beat* (the requester) reported, but an investigation by the Department of Agriculture was “inconclusive.” The Department said the information being withheld includes the names and personal information of Syngenta employees, “the location of field where pesticides were sprayed, the rate of pesticide application and the chemicals’ dilution rates, photographs of fields that could indicate the distance from the school and any information related to pesticides that were mixed together.” The newspaper will be billed for the cost of the redactions.

<http://www.civilbeat.com/articles/2013/12/23/20710-hawaii-ag-dept-heavily-redacts-public-documents-at-syngentas-request/>

National news.

Argentina. “After 13 months and 400 witness testimonies, the mega-lawsuit in Federal Court of Tucumán found 37 of 41 defendants guilty of crimes against humanity during the 1976-83 dictatorship in Argentina,” reported *Argentina Independent*.

<http://www.argentinaindependent.com/currentaffairs/analysis/beyond-the-military-investigating-the-civilian-role-in-the-dictatorship/>

Armenia. Armenia’s human rights ombudsman released a report on “unbridled” corruption in the Court of Cassation and the Council of Judges, based on 120 interviews and “analyzing all the rulings handed down of the past seven years” by the two bodies, reported *Radio Free Europe/Radio Liberty*. Justice officials issued denials. <http://www.rferl.org/content/armenia-judicial-corruption-price-list/25197495.html>;

http://armenianow.com/society/human_rights/50752/armenia_ombudsman_report_reaction

Bangladesh. The Rana Plaza garment factory collapsed in April 2013, killing more than 1100 people and injuring many more, some severely. The survivors, both the families of those killed and those with bodily injuries, are struggling to gain financial compensation and help with emotional and physical damages, reported the *New York Times*: “There are also people, often hovering near the periphery [of the collapsed building], clutching official documents, proof of their loss, evidence of their claims for compensation.”

<http://www.nytimes.com/2013/12/19/world/asia/after-collapse-bleak-struggle.html>

Bolivia. The government created a truth commission to identify those responsible for the violations of human rights and forced disappearances that occurred between 1964 and 1982, reported *Radio FM Bolivia.net*. Bolivia had a previous truth commission that did not complete its work. <http://www.fmbolivia.net/noticia65681-el-senado-aprueba-crear-la-comisin-de-la-verdad.html>

Bosnia. “Lawyers in Bosnia are divided over the practice of lodging testimonies of war-crimes trials witnesses who have since died,” *BIRN* reported. During the trial of Veselin Vlahovic for

crimes committed in Sarajevo, the prosecutor “filed 16 testimonies of deceased witnesses to which the defence objected, citing its inability to cross-examine them.”

http://www.balkaninsight.com/en/article/dead-witnesses-pose-dilemma-for-bosnian-trials?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=84f5993cdd-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-84f5993cdd-311109073

Brazil. The truth commission of Sao Paulo reported that it has evidence, including documents, that the car accident that killed former president Juscelino Kubitschek in 1976, was staged on behalf of the military dictatorship. The commission is passing its information along to the national truth commission, *The Guardian* reported.

<http://www.theguardian.com/world/2013/dec/10/brazil-truth-commission-kubitschek-president-murdered>

Canada. In July a runaway train crashed into the town of Lac-Mégantic, killing “dozens of people in a fiery explosion that also contaminated the surrounding air, water and soil,” wrote the *Montreal Gazette*. As the press and citizens began to file requests for Transport Canada’s (TC) records related to the disaster and to rail safety, TC asked Canada’s Information Commissioner for a one year extension on filling the requests. The Commissioner denied TC’s request; some records have now been released which suggest there were warning signs as early as 2006.

<http://www.montrealgazette.com/news/Officials+delayed+release+records/9304499/story.html>

Former students at St. Anne’s Residential School sued the Ontario provincial government to obtain records from a “five-year Ontario Provincial Police investigation in the 1990s, as well as files from the subsequent trials that resulted in several convictions against school staff and supervisors,” reported *CBC News*. The former students want to use the records to support of their claims for compensation under the residential school settlement (for some of the massive background on the residential schools, the government, the churches and the truth commission, see *HRWG News* 2013-04, 05, 07 and 08).

<http://www.cbc.ca/news/politics/st-anne-s-residential-school-survivor-says-ottawa-hiding-evidence-1.2466795>

Cayman Islands. In 2006 Luis Luarca complained to the Human Rights Committee that the government was asking job applicants what religion they practiced. The Committee decided that was an unethical practice and published its finding on its website. The Committee has since been replaced by a Human Rights Commission, and now Luarca has “asked to amend or annotate his personal information in the HRC’s 2006 report,” wrote *caycompass.com*, but the government cannot find the records supporting the report. The government’s information commissioner called this a “highly unsatisfactory state of affairs” and said that “the management of records of government committees is particularly troublesome.”

<http://www.compasscayman.com/caycompass/2013/12/10/Government-record-keeping--troublesome-/>

France. A cache of company emails that were leaked to the French news media in early 2012 showed that Ikea, the giant housewares company based in Sweden, engaged private investigators

to vet job applicants, “build cases against employees accused of wrong doing,” and even “to undermine the arguments of consumers bringing complaints against the company.” A court in Versailles is now investigating the extent of the practice of systematically collecting individuals’ personal information “including criminal histories, automobile registrations and property records” and has had searches made of the offices and homes of “several former Ikea employees, private investigators and even police officers suspected of having provided privileged information from government databases,” reported the *New York Times*.

<http://www.nytimes.com/2013/12/16/business/international/ikea-employee-spying-case-casts-spotlight-on-privacy-issues-in-france.html>

Haiti. As the fourth anniversary of the Haitian earthquake of 2010 approached, Jean-Wilfrid Bertrand, the national archivist, said “there were enormous losses” to the archives during the disaster, reported *AFP*. “Materials that are missing include civil registration papers, administrative documents issued by the presidency, government ministries and parliament as well as similar papers registered with Haitian municipalities.”

<http://www.google.com/hostednews/afp/article/ALeqM5iTjt7ZrC1jqop82ybP2v4x9nSVSw?docId=4ef32930-7a9b-4a13-8346-96e482860732&hl=en>

India. Helava community members tour through Karnataka state carrying bundles “containing the genealogy of almost all families in every village and town” in ten districts. “Their traditional occupation is to visit every household in different groups, read out the genealogy, and add on details of new members of the family.” A lawyer in the Karnataka High Court said the records the Helava keep “have legal sanctity and courts have termed them valid documents in some partition-related suits,” reported *The Hindu*. <http://www.thehindu.com/news/national/karnataka/nomads-who-archive-family-details/article5453228.ece>

Jamaica. In a follow-up to its earlier investigation, *The Gleaner* found that confidential medical records at state-run health facilities are still not secure (for background, see *HRWG News* 2013-07). The news team was able to enter the medical records filing room in the Port Antonio Health Centre “on a number of occasions” and look at patient files. <http://jamaica-gleaner.com/gleaner/20131201/lead/lead4.html>

Laos. The disappearance of Sombath Somphone, a Laos social activist, on December 15, 2012, was captured on videotape by a security camera. The Laos government has “repeatedly denied offers of technical assistance from governments around the world, including support for a detailed analysis of the video tape,” reported *Eurasia Review*. http://www.eurasiareview.com/16122013-laos-anniversary-disappearance-demands-action-says-hrw/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Pakistan. Two stories on land records in Pakistan made the news in December. First, the Punjab government opened the Arazi Record Centre at Lahore Cantt for land records and announced that by June 2014 the entire Punjab will be covered by a computerized land record system, “an ambitious plan to digitise land records to root out corruption,” said the *Press Trust of India*.

http://www.business-standard.com/article/pti-stories/pak-punjab-govt-to-digitise-land-records-113120800514_1.html Meanwhile, in Islamabad, “the disappearance of important files from the Capital Development Authority’s record rooms has become a norm, and the responsible parties always escape scot-free. A civic agency file detailing the sale of a commercial plot at a throwaway price recently vanished under suspicious circumstances, compelling city managers to seek assistance from the Federal Investigation Agency to locate it,” reported *The Express Tribune*.
<http://tribune.com.pk/story/652045/shady-deal-cda-record-of-loss-price-sale-of-commercial-plot-disappears/>

Philippines. Like the Haiti item above, natural disaster in the Philippines affected records. In Leyte province, the Registry of Deeds said nearly 2000 land titles “could have been” lost in the floods from Typhoon Haiyan (“washed away in a nearby creek”) and “at least” 40,000 titles got wet, which is keeping the registry “busy drying land titles on clothes lines,” reported *Reuters*. In addition, all the computers in the offices were damaged or washed away.

<http://www.sabc.co.za/news/a/1a3a4f00424b50318e7cfe56d5ffbd92/Documents-lost-or-damaged-by-floods-in-typhoon-hit-Philippine-province> “The Hall of Justice in Tacloban City was destroyed and the major problem facing the court is reconstruction of court records,” reported *TV5*. The Chief Justice of the Philippines said that “court records are literally being dried under the sun” and she is considering pushing for the digitization of all court records.
<http://www.interaksyon.com/article/76231/cj-sereno-pushing-for-digitization-of-court-records-following-typhoon-destruction>

Sweden. The commission that investigated the police registry of the Roma concluded that the database does not comply with the rules the Swedish police are to follow, although it cannot be considered ethnic profiling (for background, see *HRWG News* 2013-09). Roma organizations in Sweden want a further investigation. Thank you to Anna Svenson for this information.

<http://www.sakint.se/InEnglish.htm>

Syria. *The Times of Israel* reported that “Torah scrolls and other Judaica plundered from an ancient Damascus synagogue are being held by an Islamist group inside Syria, which is demanding the release of prisoners captured by the Assad regime in return for the items.” However, *VINNews.com* followed that story with a report that “new photos have been released seemingly showing the synagogue completely intact, and its contents safe.”

<http://www.timesofisrael.com/plundered-syrian-torah-scrolls-said-held-by-al-qaeda-linked-rebels/>
<http://www.vosizneias.com/150200/2013/12/23/syria-new-photos-contradict-reports-that-syrias-jobar-synagogue-was-destroyed/>

Tunisia. The first week in December the president published a book titled *The Propaganda Apparatus under Ben Ali: The Black Book*. Using the incomplete archives found in the presidential palace after Ben Ali fled in January 2011, the compilers listed hundreds of names of people said to be involved in propaganda efforts, including persons still alive, some of whom “are influential opinion-makers, and they have thousands of followers and supporters,” wrote a blogger at *Majalla Blogs* that was reprinted in *Asharq Al-Awsat*. David Tolbert, the president of the International Center for Transitional Justice, wrote an article for *Al Jazeera* criticizing the

publication: “Archives are a valuable tool in illuminating the truth about the pasts, but it is not the only tool. Truth seeking, with all of its consequences for victims and perpetrators, should be the result of comprehensive investigations, especially when concerning personal reputations.”

<http://www.aawsat.net/2013/12/article55325094>;

<http://www.aljazeera.com/indepth/opinion/2013/12/tunisia-black-book-transparency-witch-hunt-2013128517156923.html> Civil society groups reacted strongly and worried about the fate of the records of the presidency. A commentator on *webdo.tn* asked whether the records are or should be under the control of the Ministry of Justice. Thirty-six civil society organizations signed an open letter demanding the protection of the archives of the dictatorship so that they can be used in “equitable, transparent and inclusive” transitional justice.

<http://www.webdo.tn/2013/12/12/documents-confisques-par-la-presidence-la-justice-sassumera-t-elle/>; <http://www.webdo.tn/2013/12/14/appel-de-36-associations-et-organisations-de-la-societe-civile-pour-la-protection-des-archives-de-la-dictature/>

In better news, the Tunisian National Constituent Assembly passed the Draft Organic Law on the Organization of Transitional Justice Foundations and Area of Competence by the Tunisian National Constituent Assembly by a nearly unanimous vote. The International Center for Transitional Justice reported that the law “creates a Truth and Dignity Commission and addresses reparations, accountability, institutional reform, vetting, and national reconciliation. It also creates a Fund for the Dignity and Rehabilitation of Victims of Tyranny (article 41) and special chambers with trained judges to deal with cases of human rights violations.” <http://ictj.org/news/ictj-welcomes-tunisia%E2%80%99s-historic-transitional-justice-law>

At the end of the month came a report that some archives of the Ministry of the Interior, apparently relating to the region of El Mourouj, were found in an auto school. The archives include confidential dossiers, computers and photographs; one document is said to contain the names of personnel of the ministries of Interior and Defense and another document the names of “delinquents” in Tunisia. <http://www.africanmanager.com/159833.html>

Turkey. An Armenian church located inside an Infantry Training Brigade’s base will be restored and handed over to the Friends of Armenians Association, reported *Al Monitor*. The governor of the region asked “our Armenian citizens to bring photographs” of the church to aid in the restoration. http://www.al-monitor.com/pulse/culture/2013/12/turkey-army-return-church-armenian-military-base.html?utm_source=&utm_medium=email&utm_campaign=8709#

United Kingdom. New inquests into the deaths at the Hillsborough stadium are due to begin in March (for background, see *HRWG News* 2012-09, 2013-06 and 11). Sarah Tyacke has been named to the Policing Records Working Group set up as a consequence of the records questions raised in the investigation. Thanks to Sarah Tyacke for both pieces of information.

United States. In an opinion piece for *Information Week*, the former chief of records management for the U.S. military’s Central Command wrote of the First Gulf War in 1991: “In a rush to get home, our troops and their leadership orchestrated what was possibly the single largest destruction of records in our nation’s history. Millions of records were either burned or simply left in the

desert to literally be buried by the sands of time.” As a result, the army spent millions of dollars to reconstruct records to address claims of illness among those who had served in Iraq and Kuwait known as “Gulf War syndrome.” <http://www.informationweek.com/government/big-data-analytics/the-war-on-military-records/d/d-id/1112961>

The president’s surveillance review group, appointed by President Obama to review the National Security Agency’s (NSA) mass data collection practices, recommended that telecommunications companies reach a “voluntary arrangement with the government to hold the data,” rather than having it stored by NSA as it currently is, reported the *Washington Post*. Telecommunications industries, privacy advocates and members of Congress all opposed the idea, although for different reasons, and also opposed the option of having the data held by a “private third party.” http://www.washingtonpost.com/world/national-security/if-not-the-nsa-who-should-store-the-phone-data/2013/12/25/df00c99c-6ca9-11e3-b405-7e360f7e9fd2_story.html

A primary care doctor, in an article *Pulse* which was edited and published by the *Washington Post*, wrote of her experience with electronic health records: “The reality is that I spend more time talking to the Information Technology people about Internet connections, firewalls and box-checking than I do answering messages from concerned family members.” http://www.washingtonpost.com/national/health-science/when-treating-a-patient-with-dementia-electronic-health-records-fall-short/2013/12/20/7bb51b34-416d-11e3-a751-f032898f2dbc_story.html

In 2011 the American Civil Liberties Union sued the U.S. Department of Homeland Security and the U.S. Immigration and Customs Enforcement to obtain documents about “thousands of immigrants who’ve been detained nationwide for months and years as their immigration statuses are reviewed,” reported the *Associated Press*. In September 2013 the judge ordered the release of the documents; now the government in a letter to the judge said it cannot “produce documents from more than 22,000 individual files as ordered but said it can produce a reliable sample of 385 files within 15 months, with rolling releases within eight weeks of a revised order.” <http://www.sandiego6.com/story/us-immigrant-detainee-data-can-t-be-provided-fast-20131226>

In the oddest story of the month, “a high-ranking FBI agent filed a sensitive internal manual detailing the Bureau’s secret interrogation procedures with the Library of Congress” in an attempt to copyright it, reported *Mother Jones*. The manual has been open at the U.S. Copyright Office since 2010, where staffers from the magazine reviewed it, even though in 2012 the FBI provided the American Civil Liberties Union with a copy that was “heavily redacted.” U.S. government documents may not be copyrighted, making this entire episode inexplicable. <http://www.motherjones.com/politics/2013/12/fbi-copyrighted-interrogation-manual-unredacted-secrets>

The Energy Department’s Inspector General released a report on a security breach at the Department last summer that allowed hackers to obtain personal information from over 100,000 Department employees and contractors, *The Washington Free Beacon* reported.

<http://freebeacon.com/ig-personal-information-stolen-from-104179-after-energy-department-cyber-attack/>

Johnson and Johnson (J&J), a very large medical products company, is being sued over the damages caused by its vaginal mesh implants. The lawsuit was brought by 30,000 women who had the implants. Ethicon, the unit of J&J that made the inserts, “admitted that it destroyed all documents” that the president of the unit had on her computer’s hard drive, reported *Bloomberg.com*, although the company said that it had “turned over millions of pages of material to plaintiffs’ lawyers.” <http://www.bloomberg.com/news/2013-12-04/j-j-lost-or-destroyed-vaginal-mesh-files-lawyers-contend.html>

In the continuing lawsuits over the oil rig explosion in the Gulf of Mexico in 2010 that killed eleven people and damaged hundreds of miles of Gulf beaches and wetlands and killed thousands of birds, a Federal court in New Orleans found that an engineer for British Petroleum (BP), which owned the oil well, was guilty of intentionally destroying evidence “when he deleted voice and text communications between himself and a supervisor and a BP contractor,” reported the *New York Times* and other media. For background, see *HRWG News* 2013-01 and 08. <http://www.chicagotribune.com/business/sns-rt-us-bp-trial-mix-20131218,0,3284893.story>

United States/Arizona. A case worker at Arizona’s Child Protective Services (CPS) took case files “home to work on them” but moved to California, leaving the files in a shed. “The new homeowners then threw the box out next to the trash,” reported *FOX 10 News*, where they were found by someone who turned them over to the television station. The records included “thousands of pages of classified documents,” which the station returned to the CPS which says it destroyed them. <http://www.myfoxphoenix.com/story/24234339/cps-oversight-panel-updated-on-botched-cps-reports>

United States/California. “State regulators have fined Pacific Gas and Electric \$14.3 million over poor recordkeeping on a leaky pipeline in San Carlos,” reported *CBS News San Francisco*. Another pipeline by the company exploded in 2010 killing eight people, injuring dozens more, and destroying 38 homes (for background, see *HRWG News* 2013-01 and 08). <http://sanfrancisco.cbslocal.com/2013/12/19/pge-fined-millions-for-faulty-communication-regarding-san-carlos-pipeline/>

United States/Guam. Guam’s Office of Vital Statistics had a computer crash in November and lost “thousands” of birth, death and marriage certificates from the month of October that were in an electronic database, reported *Pacific Daily News*. Employees are now “manually entering information into the database, using an estimated 3,000 hard copies of the computer records that were lost.” <http://www.guampdn.com/article/20131204/NEWS01/312040002>

United States/Kentucky. A judge fined the Kentucky Cabinet for Health and Family Services \$756,000 for withholding parts of records from about 180 files “involving social workers’ interactions with children who died or suffered near-fatal injuries,” the *Lexington Herald-Leader*

reported. The judge said the withholding made a “mockery” of the state’s open records law.
<http://www.kentucky.com/2013/12/23/3002988/judge-fines-ky-cabinet-756000.html>

United States/New Jersey. The Township of Parsippany is suing its former police captain, alleging he “downloaded 430 megabytes of police documents, e-mails and attachments” which he took away with him, reported the *Daily Record*. The court has now appointed an expert to take images off the man’s hard drive and give them to the township to examine.
http://www.dailyrecord.com/article/20131206/NJNEWS/312060045/Parsippany-refusing-pay-retired-police-captain?gcheck=1&nclick_check=1

United States/Washington. A woman sued Benton County to release its registration records on about 400 “Level 1” sex offenders, including the names, birthdays, phone numbers, pictures and other information, reported the *Tri-City Herald*. Information on Level 2 and 3 offenders “who are considered more likely to reoffend, is routinely posted on the sheriff department websites” and is posted in neighboring Franklin county. <http://www.tri-cityherald.com/2013/12/20/2741109/mesa-womans-public-records-lawsuit.html>

Please share news with us! trudy@trudypeterson.com or j.boel@UNESCO.org.

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Appendix A

10 December 2013

Pablo de Greiff

Special Rapporteur on the Promotion of Truth, Justice, Reparation and
Guarantees of Non-recurrence

United Nations High Commissioner for Human Rights
Geneva, Switzerland

Dear Mr. de Greiff:

The Human Rights Working Group of the International Council on Archives read with special interest your report to the Human Rights Council at its Twenty-fourth session. We particularly noted your paragraphs 80 to 88 on archives and your call in paragraph 106(a) “for the development of international standards on archiving and strongly supports such an initiative.”

From your footnotes it appears that you may not be aware of the suite of standards and best practices that have been promulgated by the International Council on Archives (ICA). These include four standards for describing archives, a set of *Principles on Access to Archives* and an international *Code of Ethics*. Principle 6 of the *Principles on Access* specifically references the United Nations’ *Updated Set of Principles to Combat Impunity* (the “Joinet Principles”), and the basic description standard is accompanied by guidance on its application in human rights archives. All of these are available on the ICA website, most in multiple languages.

The Human Rights Working Group currently is developing a set of “Basic Principles of the Role of Archivists in Support of Human Rights.” These will focus specifically on the issues that arise as archivists carry out the professional functions you have outlined. We are only at the beginning of this process, but we hope it will result in a robust statement of practice that will assist governments, institutions, and the United Nations entities.

As you continue your work, the members of the Human Rights Working Group would be pleased to consult with you and provide any information and assistance you may request on archives, their principles and practices. I personally am based in Washington, D.C., and could meet with you either in New York or in this city.

Once again, thank you for the discussion of archives in your report, and we look forward to following your progress.

Yours truly—

Trudy Huskamp Peterson

Chair, Human Rights Working Group

International Council on Archives

Appendix B

10 December 2013

Farida Shaheed
Special Rapporteur in the Field of Cultural Rights
United Nations High Commissioner for Human Rights
Geneva, Switzerland

Dear Ms. Shaheed:

The Human Rights Working Group of the International Council on Archives read with special interest your report to the Human Rights Council at its Twenty-fourth session on “the writing and teaching of history, with a particular focus on history textbooks.” We particularly noted your paragraphs 45 to 48 on access to archives and library funds and your call in paragraph 89 (c) and (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.

You may not be aware of the suite of standards and best practices that have been promulgated by the International Council on Archives (ICA). These include four standards for describing archives, a set of *Principles on Access to Archives* and an international *Code of Ethics*. Principle 6 of the *Principles on Access* specifically references the United Nations’ *Updated Set of Principles to Combat Impunity* (the “Joinet Principles”), and the basic description standard is accompanied by guidance on its application in human rights archives. All of these are available on the ICA website, most in multiple languages.

The Human Rights Working Group currently is developing a set of “Basic Principles of the Role of Archivists in Support of Human Rights.” These will focus specifically on the issues that arise as archivists carry out the professional functions you have outlined. The Working Group is also developing a model international licensing agreement to promote fairness in international copying projects and balance the right to control cultural heritage with the right to know. We are only at

the beginning of these processes, but we believe both documents, when completed, will assist governments, institutions, and the United Nations entities.

As you continue your work, the members of the Human Rights Working Group would be pleased to consult with you and provide any information and assistance you may request on archives, their principles and practices.

Once again, thank you for the discussion of archives in your report, and we look forward to following your progress.

Trudy Huskamp Peterson
Chair, Human Rights Working Group
International Council on Archives