Commentary.

At the 2014 Ina Irvine Annual Lecture at the United States Holocaust Memorial Museum, Professor Lawrence Douglas examined the prosecution of Ivan Demjanjuk in Germany in 2009. Demjanjuk was a Ukrainian who was drafted into the Soviet army during World War II, was captured by the Germans, and then volunteered to join the German SS which controlled the police forces and ran the concentration camps. Demjanjuk was tried in Israel in 1987, charged as the Treblinka killing center guard known to prisoners as “Ivan the Terrible” who had operated and maintained the diesel engine used to pump carbon monoxide fumes into the Treblinka gas chambers. Although convicted by the lower court, Israel’s Supreme Court overturned the conviction in 1993 because of reasonable doubt that Demjanjuk was the guard at Treblinka known as Ivan the Terrible (in fact, he was not).

In July 2009, German prosecutors indicted Demjanjuk on 28,060 counts of accessory to murder at Sobibor. German personnel records from the camp at Trawniki where Demjanjuk trained to be a “police auxiliary” showed that Demjanjuk had served as a guard at the Sobibor killing center from March through September 1943 (these records, captured by Soviet forces, are in the Archives of the Federal Security Service of the Russian Federation in Moscow). Other records showed that all guards at Sobibor were used in the killing program, or, as Douglas said, there was not a guard who was just a cook. It was clear from the records that the function of all guards was to facilitate mass murder. By the prosecution’s meticulous use of records, showing the organization of the Sobibor camp, the functions of the guards, and the presence of Demjanjuk as one of the guards, the German court convicted him in 2011. Douglas concluded, “Guilt follows function.”

Archivists describe the functions of the organizations whose records they hold; in fact, one of the international standards for describing archives is for describing functions. Creating such descriptions and making them available is our function. We are key participants in advancing the work of human rights.

The video recording of Professor Douglas’s lecture will be posted on the website of the Museum, but as of this writing it is not available. For further information on the Demjanjuk trials, see http://www.ushmm.org/wlc/en/article.php?ModuleId=10007956

International news.

European Court of Human Rights (ECtHR)/Slovenia. After Slovenia gained independence, citizens of other former Yugoslav republics living there had 6 months to apply for Slovenian citizenship or lose their residency rights, including loss of identity documents, health insurance, and jobs. The Court ordered Slovenia to restore rights to these “erased” people and pay compensation. For background, see HRWG News 2013-07. http://www.balkaninsight.com/en/article/european-court-rules-pay-outs-for-erased?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=b46c450534-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-b46c450534-311109073

International Court of Justice. The mutual lawsuits of Serbia and Croatia for genocide continued. Croatia cited verdicts of the International Criminal Tribunal for the former Yugoslavia in its case, which Serbia said were “misleading,” BIRN reported. http://www.balkaninsight.com/en/article/belgrade-didnt-control-

In a report to the Security Council, Secretary-General Ban Ki-moon “expressed regret that no more remains of missing Kuwaiti nationals or Kuwaiti national archives have been found in Iraq.” He urged, the Government of Iraq “to bring innovative methods to their search” and added that the UN Assistance Mission in Iraq “stands ready to assist.”

United Nations High Commissioner for Human Rights. In October 2012 the Human Rights Council by resolution 21/7 on the “Right to the truth” asked the High Commissioner to “invite (…) Member States, United Nations organs, intergovernmental organizations, national human rights institutions and non-governmental organizations to provide information on good practices in the establishment, preservation and provision of access to national archives on human rights, and to make the information received publically available in an online database.” The Commissioner’s website has now posted the responses to questionnaires it has received from only 15 national archives (2 Africa, 2 Central America, 2 South America, 9 Europe) and 3 other organizations (the International Commission on Missing Persons, the International Committee of the Red Cross, and the Timor-Leste Post-Commission for Reception, Truth and Reconciliation).

World/general news.

Air pollution. A joint French-Ivory Coast team studied air pollution in Africa and concluded that “in the absence of any effective regulatory measures, the African continent could contribute 20-55%” of global human-caused pollution by 2030, reported Eurasia Review. The researchers “used a variety of data, such as fuel consumption questionnaires submitted to the authorities of various countries, field surveys, and the results of previous research programs.” The records of the study of this controversial issue need to be carefully preserved.

Bilateral and multilateral news.

Armenia/Turkey/United States. The National Archives of Armenia announced it will create a list of Armenians massacred by Ottoman Turks in 1915-1916 “based on surviving records,” reported Transitions Online. Public Radio of Armenia said that the U.S. Shoah Foundation “is raising funds to integrate Armenian testimonies into its collections of accounts from survivors of other genocides and ethnic cleansing.”

Caribbean Community (Caricom). The Caribbean nations, meeting in St. Vincent, decided on a 10-point plan to present to European governments who had Caribbean colonies and were involved in the slave trade. It requests “a full formal apology for slavery, repatriation to Africa, a development plan for the native Caribbean peoples and funding for cultural institutions,” among others, reported Reuters. A lawyer for Caricom said the “complaint will undoubtedly go to the governments of Britain, France, Netherlands, and very likely Sweden, Norway and Denmark.” For background, see HRWG News 2013-10.
Central Asia/Russia. EurasiaNet reported that Russian authorities maintain a list of over 600,000 foreigners “mostly citizens of formerly Soviet states,” who are barred “from re-entering Russia because of alleged infractions, like working without a permit or failing to register on arrivals.” The list particularly affects Central Asians who work in Russia: “The trouble is few would-be migrants know they’re on the list” until they arrive at the border. http://www.eurasiareview.com/25032014-russian-blacklist-keeps-central-asian-migrants-out/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

China/Japan/Korea. The Jilin Provincial Archives in northeast China released another set of World War II era captured Japanese records, providing Korean media with “25 sets of documents related to comfort women,” reported Korea’s JoongAng Daily, including a military police report from February 1938 saying “there was a need to ‘recruit more comfort women because there is a shortage on location’” and bank records detailing expenditures on comfort women between December 1944 and March 1945. http://korea joongangdaily.joins.com/news/article/article.aspx?aid=2986897&cloc=joongangdaily|home|news

Iraq/United States. The U.S. State Department told the Jewish Telegraphic Agency that “sensitivities” around the Iraqi Jewish Archives spurred the Department to look for “avenues to make the Iraqi Jewish Archive continually accessible to Iraqi Jews living outside the country.” For background, see HRWG News 2013-08 through 2013-12. http://www.jta.org/2014/03/17/news-opinion/united-states/state-dept-seeking-ways-to-keep-access-open-to-iraqi-jewish-archive

Ireland/Northern Ireland/United States. Ivor Bell, accused of participating in the 1972 murder of Jean McConville, was denied bail and must remain in custody, based in part on the evidence of an oral history interview held by Boston College. Bell’s attorney said he was the person interviewed as “Z,” reported the Irish Times, but the attorney “questioned the evidential value of the interviews, pointing out that they had not been conducted by trained police officers.” For some of the extensive background, see HRWG News 2013-01 and 2013-04. http://www.theguardian.com/uk-news/2014/mar/22/ira-troubles-murder-ivor-bell-court-jean-mcconville : http://www.irishtimes.com/news/crime-and-law/case-against-mcconville-accused-based-on-us-interviews-1.1735104


Russia/Ukraine. On March 1, during the Russian occupation of the Crimea, “gunmen in masks” forced their way into the Crimean Center for Investigative Journalism (CCIJ), whose staff members managed to flee with only part of their files. According to the Global Investigative Journalism Network, the Internet Archive’s Archive-It service managed to back up the Center’s entire website. According to blogger Ian Milligan, between March 1 and 19 Archive-It captured and preserved 5185 CCIJ videos. http://www.poynter.org/latest-news/mediawire/241793/journalism-group-quietly-preserves-crimean-news-services-archives-after-armed-incursion/ http://activehistory.ca/2014/03/preserving-history-as-it-happens/

At a meeting of the United Nations Security Council on March 3, the Russian Ambassador held up a letter from ousted Ukrainian president Viktor Yanukovich to Valdimir Putin “asking him to use military force in Ukraine to restore law and order,” reported RT and other media sources. For a photo of the Ambassador and the letter, see http://rt.com/news/churkin-uns-russia-ukraine-683/

South Africa/United Kingdom. The Bodleian Library at Oxford holds the records of the British Anti-Apartheid Movement, some of which are now available on a new website “Forward to Freedom,” reported The Guardian. Thanks to Jens Boel for this reference. http://www.theguardian.com/world/2014/mar/12/anti-apartheid-movement-online-archive-south-africa
United Kingdom/Former Colonies. As reported in last month’s *HRWG News*, the Foreign and Commonwealth Office will hold a “Records Day” on May 9 to discuss with “selected” historians and archivists “how it will finally place into the public domain millions of public records that it has unlawfully held for decades” but will not admit either the public or the media, reported *The Guardian.*


National news.

*Australia.* In a further element of the debate over government use of phone records, ZDNet reported that the Australian Commission for Law Enforcement Integrity said that “a recent investigation into the corruption of officers in Customs and Border Protection was only successful on the back of being able to use phone records obtained under the Telecommunications (Interception and Access) Act.”


In a radio interview with the chairwoman of the Alliance for Forgotten Australians, the reporter for *The World Today* said the government of the state of Victoria “is said to have documents on children who grew up in state run homes alone that would stretch for 80 kilometres” and Victoria’s Department of Human Services has “indexed more than 85,000 boxes of archived records in preparation for the Royal Commission” which is looking into child sexual abuse.

http://www.abc.net.au/worldtoday/content/2014/s3958906.htm

*Bolivia.* BBC News reported that Amnesty International (AI) issued a report arguing that the Bolivian government lacks the political will to uncover the truth about the past. AI estimates that during the dictatorship period (1964-1982) “at least 200 were summarily executed while more than 150 were victims of forced disappearances” and around 5000 were arbitrarily detained and some tortured. Although a law provides compensation for the victims and their relatives, the criteria for a claim are “a heavy burden of proof”: “medical documents to certify torture injuries or passports showing exiled claimants’ movements across borders.” One of the “key demands of the victims is that classified military records are opened up for scrutiny.”


*Bosnia.* Bosnia’s High Judicial and Prosecutorial Council recommended overturning the 2012 decision not to release the full names of persons in court documents in war crimes cases and to record only ten minutes of each hearing. The recommendation goes to courts and prosecutors for their comments and then will be submitted to the legislature for adoption, BIRN said. For background see *HRWG News* 2013-08.


*Canada.* CBC News reported that the personal details of 5500 patients “including names, dates of birth and diagnostic reports” were on a laptop that was stolen from Etobicoke General Hospital.


*Czech Republic.* The *New York Times* published a warm tribute to Jiri Fiedler, a Czech man who collected documents and information on the history of the Jewish community in the Czech lands. Fiedler was murdered in Prague on January 31.

http://www.nytimes.com/2014/03/09/opinion/sunday/eulogy-for-a-source.html?_r=0

*Egypt.* Videotaped testimonies by prisoners “recorded on mobile phones, smuggled out of prison and obtained by journalists” include claims of torture and forced confessions and deplore the conditions in Egyptian prisons, reported *Al Jazeera.*


*Ethiopia.* Human Rights Watch issued a new report, “‘They Know Everything We Do’: Telecom and Internet Surveillance in Ethiopia,” based on “100 interviews with victims of abuse and former intelligence
officials” and “internet filtering testing.” The report “shows how authorities use access to mobile data and call recording to harass and arrest people they believe oppose the government.”

http://www.hrw.org/node/123977

India. The Sunday Guardian learned that “operational records of the 1962 war at the Army Headquarters have been destroyed.” The newspaper editorialized, “This strengthens suspicion of a systemic cover-up for lapses leading to the debacle in the war with China.” During the war Indian casualties (killed, wounded and missing) were over 4000 and Chinese casualties were about 2500. http://www.sunday-guardian.com/news/1962-war-records-destroyed-to-cover-up-lapses  And a journalist posted online a leaked copy of part of the still classified official Indian review of the war (the Henderson Brooks-P.S. Bhagat report) but access to it was blocked “for hours,” reported the South China Morning Post.


The plea of the Special Public Prosecutor to prosecute four Delhi Police officers for allegedly destroying the records and files of a 1984 anti-Sikh riots case has been rejected by the judge who said the “documents were not relevant and their preservation was not required,” reported First Post. For background, see HRWG News 2014-02. http://www.firstpost.com/india/1984-riots-court-dismisses-plea-to-prosecute-cops-for-destroying-files-1450149.html

Lebanon. The Shura Council ruled that the families of people who disappeared during the civil war (1975-1990) should have full access to official documents, including “confessions by former militants related to cases of Lebanese missing,” reported The Daily Star. An activist with SOLDE, an NGO, called for an independent national commission to investigate the fate of the missing. The Star said, “The fate of some 17,000 people who disappeared during the war remains unknown. Hundreds of them are believed to be held in Syrian prisons.” http://www.dailystar.com.lb/News/Lebanon-News/2014/Mar-14/250203-families-of-disappeared-remain-skeptical.ashx#ixzz2wM0dG0lV

Myanmar. The Democratic Voice of Burma reported that the national census now underway will not permit persons to identify themselves as “Rohingya”; they will be called either “Bengali” or the ethnic space on the form will be left blank. Neither “Rohingya” (the term preferred by the estimated 800,000 Muslims who live in Burma) or “Bengali” (the term Buddhists use that implies the Muslims are illegal immigrants from Bangladesh) are among the government’s list of 135 “official races” that provide the basis for citizenship. For background, see HRWG News 2012-11. http://www.eurasiareview.com/31032014-burma-term-rohingya-struck-from-census/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2F2VsnE+%28Eurasia+Review%29

Nigeria. Crisis Watch reported that the leader of Boko Haram, an Islamist militant group, issued a new video on March 24 vowing to attack vigilante groups, universities, and moderate Muslim clerics. Some archives need to preserve this and other video threats against human life.

http://www.crisisgroup.org/~/media/Files/CrisisWatch/2014/cw128.ashx

Rwanda. Members of the parliamentary standing committee “Unity, Human Rights and Fight against Genocide” said the government needs to make funds available for “the proper conservation of archives of the Gacaca jurisdictions,” the traditional judicial system which heard “at least two million cases” in the aftermath of the Rwandan genocide. The records currently are housed “in a makeshift facility at the Rwanda National Police headquarters in Kacyiru,” reported allAfrica.com.

http://allafrica.com/stories/201403260075.html

Serbia. The Commissioner for Information of Public Importance, acting on an appeal by the Humanitarian Law Center, ordered that “the practice of anonymization of judgments” in war crimes cases violates existing law. http://www.hlc-rdc.org/?cat=221&lang=de
Sierra Leone. The Peace Museum opened in the old security building of the Special Court for Sierra Leone. It has exhibition rooms, a memorial garden and copies (print and digital) of the publicly available records of the Special Court and the Truth and Reconciliation Commission.  

Slovenia. Preservation of and access to the records of the communist-era secret police was in the news. Early in the month, the Culture Minister said he “suspected unlawful destruction of documents of the Yugoslav-era secret service SDV” and had referred the question to the government prosecutors. Late in the month, the opposition political party filed signatures with the government requesting a referendum on a measure requiring the preservation of and access to the records of the secret police, reported STA.  
http://www.sta.si/en/vest.php?s=a&id=1993077

Somalia. Like his colleague in Nigeria (see above), the leader of Al-Shabaab, an Islamist militant group, posted a video message on March 9 urging Somalis to wage jihad against foreign troops, reported Reuters. The African Union has a mission in Somalia, with military and police forces from eight countries.  
http://www.crisisgroup.org/~/media/Files/CrisisWatch/2014/cw128.ashx

Syria. Save the Children, an NGO, issued a report on the impact of Syria’s civil war on the health of Syrian children. It asserts that “several thousands of children” died because of lack of adequate medical facilities and “millions of children” have suffered from “brutal medical practices.” It said it used data from UN organizations, NGOs, and the Syrian government plus its own interviews with Syrian children, parents and medical personnel. This again points to the importance of NGO records during conflicts.  
http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/SAVE_THE_CHILDREN_A_DEVASTATING_TOLL.PDF

Turkey. A leaked recording posted on YouTube of four Turkish government officials discussing “a pretext to intervene militarily in Syria” led the government to block YouTube; this followed a ban on Twitter, reported Al-Monitor and other media.  

United Kingdom. The London Metropolitan police chief appeared before a select committee in Parliament on a police corruption inquiry. The Voice Online reported that the police shredded files from an investigation into police corruption that allegedly concerned “police accepting bribes, trafficking drugs and selling intelligence to criminals.” BBC News added that a “lorry-load” of material was destroyed. The shredding was discovered during the review of the police handling of the murder of Stephen Lawrence in a racist attack in 1993. The investigator said it needed to see the police corruption investigation files “to investigate possible links with the Lawrence case,” only to learned that the paper records had been destroyed in 2003 or 2001.  

In 2012 a hacker broke into the British Pregnancy Advisory Service’s website and threatened to publish the names of nearly 10,000 people he found there. The hacker was given a prison term of 32 months. Now, reported BBC News, the Information Commissioner has fined the Service 200,000 pounds for failure to store personal data securely.  

The Information Commissioner also fined the Kent Police 100,000 pounds after “confidential information, including copies of police interview tapes, were left in the basement” of a former police station. Kentonline said the new owner of the building found the tapes and files and contacted the police.  
http://www.kentonline.co.uk/kentonline/news/police-fined-100k-for-damaging-14425/

United States. A Federal judge stopped the destruction of “millions of telephone records collected by the National Security Agency more than five years ago,” the San Jose, California, Mercury News reported.
The judge is hearing an invasion of privacy lawsuit over the NSA program; he said he needed to decide if
the collection of the records was legal and then to see what they contained in order to decide the case.

The Central Intelligence Agency and the Senate Intelligence Committee are fighting over access to a report
on the Agency’s detention and interrogation program and the Senate claim that CIA employees conducted
unauthorized searches of the computers used by Committee staff members. According to the New York
Times, the Senate staff members working at the CIA reviewing records used a “segregated shared drive” on
the computer system so that the materials created by the Senate “would not become ‘agency records’ even
though this work product was being created and stored on a CIA computer system.”
http://www.nytimes.com/2014/03/06/us/politics/cia-and-congress-at-odds-over-inquest-into-detention-
policies.html?_r=0

General Motors reported to the National Highway Traffic Safety Administration (NHTSA) that it had
received reports as early as 2001 that there was a safety defect in the ignition switch of several of its car
models which led to 12 deaths and 31 accidents in the years since. The carmaker has now recalled the cars
to replace the part. The New York Times analyzed records of 8000 customer complaints the NHTSA
received about the recalled models and found that since February 2003 there were an average of two
complaints a month “citing potentially dangerous” performance. The Justice Department and both houses
of Congress are investigating. http://www.nytimes.com/2014/03/13/business/gm-reveals-it-was-told-of-
ignition-defect-in-01.html

After a complicated series of events, a Federal court is re-examining a case that alleges that BASF
Catalysts and its attorneys “fraudulently destroyed evidence proving asbestos was present in the company’s
talc products,” reported Legal Newsline. Six people died from asbestos-related problems, which they
believed were caused by the products. The products were manufactured by a predecessor to BASF,
demonstrating the important of preserving business records, not only those of current companies.
http://legalnewsline.com/issues/asbestos/248183-third-circuit-hears-case-alleging-asbestos-evidence-
destruction

The Veteran’s Administration released the medical files of the gunman who killed 12 people and himself at
Washington’s Navy Yard in 2013, deciding that the “obligations to turn over government records under
U.S. Freedom of Information Act outweighed its obligations to protect a patient’s privacy,” reported the
Associated Press, which had filed suit to get the records.
http://www.visaliatimesdelta.com/viewart/20140322/OPINION11/303220029/In-rare-move-VA-says-
FOIA-trumps-HIPAA

A U.S. Internal Revenue Service employee “took home a computer thumb drive containing unencrypted
data on 20,000 fellow workers,” reported Bloomberg.com, and plugged it into his home network. The data
contained Social Security numbers and names and address of employees and contractors.
agency.html

A Federal court in Florida approved a $3 million settlement for victims of a data breach (theft of laptops
with unencrypted personal health information) at AvMed, a Florida-based health insurance company,
reported Computerworld. It is a precedent-setting suit because the plaintiffs did not have to prove they
suffered direct losses or identity theft as a result of the data breach.
http://www.computerworld.com/s/article/9247017/Court_approves_first_of_its_kind_data_breach_settleme
nt

United States/Colorado. Officials at a Colorado school district “destroyed the records of a special education
student in order to keep them away from his family,” reported The Daily Caller, because the officials
“feared the family would sue the district” for not providing the autistic child with “a proper specialized


**Yemen.** Investigating commissions are often used to explore human rights abuses, but the author of this article published by Al-Monitor says, “One of Yemen’s worst and most common political habits is forming commissions” when “decision-makers wish [to] avoid confronting something or solving some problem.”  For example, a commission to address “stolen lands in the southern provinces” announced in late February this year that it “had received 100,000 files about the stolen lands.”  Preserving and providing access to the records of government commissions must be a priority for the national archives.  [http://www.al-monitor.com/pulse/originals/2014/03/yemen-government-commissions-ineffective.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=09102cc0bc-January_9_20141_8_2014&utm_medium=email&utm_term=0_28264b27a0-09102cc0bc-93088897](http://www.al-monitor.com/pulse/originals/2014/03/yemen-government-commissions-ineffective.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=09102cc0bc-January_9_20141_8_2014&utm_medium=email&utm_term=0_28264b27a0-09102cc0bc-93088897)

**Publications**

The Humanitarian Law Center in Belgrade launched an interactive web presentation *Zone of (non)responsibility* that “will reconstruct the army and police hierarchies at the time each of the crimes committed by Serb forces in Kosovo took place. The reconstruction of the military and police power structures, from direct perpetrators to police and army generals, is based on the statements of survivors, eye-witnesses and insider-witnesses, authentic military and police documents, maps, forensic reports and other documents that have been collected and compiled by the ICTY and the HLC and the HLC Kosovo researchers.”  In addition to the crimes committed in Kosovo, the *Zone of (non)responsibility* will present analyses of the crimes committed in Croatia and Bosnia and Herzegovina.  [http://zonaneodgovornosti.net/?lang=eng](http://zonaneodgovornosti.net/?lang=eng)

*Paper Cadavers: The Archives of Dictatorship in Guatemala* by Kirsten Weld has been published by Duke University Press.  The book provides “an inside account of the astonishing discovery and rescue of Guatemala’s secret police archives.”  [http://www.dukeupress.edu/Paper-Cadavers/](http://www.dukeupress.edu/Paper-Cadavers/)


A new *Journal of Civil and Human Rights* will be launched in 2015 by the University of Illinois Press and is calling for papers.  Contact:  [ezra@sonoma.edu](mailto:ezra@sonoma.edu) or see announcement at  [http://www.h-net.org/announce/show.cgi?ID=212034](http://www.h-net.org/announce/show.cgi?ID=212034)
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