

Written and compiled by Trudy Huskamp Peterson, Chair, HRWG

### Commentary.

Judges at the Court of Justice of the European Union (ECJ) declared that Europeans have a “right to be forgotten” and archivists worldwide shivered. Costeja Gonzalez of Spain and the Spanish Agency for Data Protection (AEPD) brought a case to the ECJ to force Google Spain and Google Inc. “to remove or conceal the personal data relating to him so that they ceased to be included in the search results and no longer appear in links” to the newspaper in which “an announcement mentioning Mr. Costeja Gonzalez’s name appeared for a real-estate auction connected with attachment proceedings for the recovery of social security debts.” Costeja Gonzalez argued “that the attachment proceedings concerning him had been fully resolved for a number of years and that reference to them was now entirely irrelevant.” He also originally asked the AEPD to order the newspaper to “remove or alter” the pages where the information appeared, but the AEPD rejected that because the newspaper published it “upon the order of the Ministry of Labour and Social Affairs and was intended to give maximum publicity to the auction in order to secure as many bidders as possible.” ECJ ordered Google to remove the links as requested.

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30d58be3c845fd10412fab108b7a7423eb7f.e34KaxiLc3qMb40Rch0SaxuNbh90?text=&docid=152065&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=49823>

As categorical as the court’s “right to be forgotten” language is, another part of the court decision shows that there are cases in which the public interest overrides the privacy of the individual: “Whilst it is true that the data subject’s rights . . . also override, as a general rule, that interest of internet users, that balance may however depend, in specific cases, on the nature of the information in question and its sensitivity for the data subject’s private life and on the interest of the public in having that information, an interest which may vary, in particular, according to the role played by the data subject in public life” (paragraph 81). This statement is so general that it is unhelpful: what, indeed, do the judges consider “public life”? In this case, the information was ordered printed by a government agency acting in its official, legal capacity. If that is not public life, what is? “In the first few days after the ruling, about 1,000 Europeans asked Google to take down links, with about half having criminal convictions and half not,” reported the *New York Times*.

In contrast to this case that led to the ECJ decision, the public seems blasé about massive data breaches that expose personal data to the world. Just in this month there were data breaches in the United States at, for instance, a university, a seed corn company and a gambling casino, while earlier this year Target, a mass retailer, had a breach that affected 110 million credit and debit accounts. Breaches have become so common that insurance companies are now offering policies to cover data breaches. And yet the public outrage is muted: a shrug and shake of the head (unless, of course, your data is used by a criminal).

Where does this leave archives and the archival record? The European case turned in part on the ease with which information can be found; after all, the court did not require the printed records to be expunged, just the link to them. It is especially troubling that this is a link to a public record, and we will have to see how broadly it will be applied to other government information. Presumably archival finding aids with names and digitized items can still be put on line, but the decision will affect researchers: the only way to locate information on a person of interest to the research would be to guess that the records exist in a particular archives, even if the archives site does not appear in a search of information about the person. In a sense, the court is sending research back to the pre-internet days where thinking about the likely location of information was step one and directly contacting the archives was step two. Just as there was paper before print, there were guides before Google. We may all have to learn to use them again.

[http://www.nytimes.com/2014/05/30/business/international/on-the-internet-the-right-to-forget-vs-the-right-to-know.html?\\_r=0](http://www.nytimes.com/2014/05/30/business/international/on-the-internet-the-right-to-forget-vs-the-right-to-know.html?_r=0) ;  
<http://siliconangle.com/blog/2014/05/30/data-breach-burnout-the-biggest-threat-of-all/>; <http://www.post->

[gazette.com/local/city/2014/05/30/All-62-000-workers-at-UPMC-may-now-be-victims-Data-breach-at-UPMC-may/stories/201405300188](http://gazette.com/local/city/2014/05/30/All-62-000-workers-at-UPMC-may-now-be-victims-Data-breach-at-UPMC-may/stories/201405300188); <http://www.arkansasbusiness.com/article/99018/arkansas-state-notified-of-data-breach-up-to-50000-could-be-affected>; <http://www.cbronline.com/news/security/monsanto-hit-by-data-breach-4281671>; <http://www.lowcards.com/data-breach-hits-11-casinos-nevada-24549>; <http://www.bostonglobe.com/busin>

## **International news.**

**African Extraordinary Chambers/Chad.** The African Extraordinary Chambers , which is trying Hissene Habre, the former president of Chad, is conducting its “fourth and possibly last investigative mission in Chad,” reported the *International Justice Tribune*, while also continuing to hear witnesses and “examine the archives of the DDS, the former Chadian political police.” <http://justicetribune.com/home/>

**European Court of Human Rights.** In a decision that two judges called “the most important contribution to peace in Europe in the history of the European Court of Human Rights,” the Court ordered Turkey to pay 90,000,000 euros in punitive damages to Cyprus for missing persons and other human rights violations. The Cypriot Government “is to set up an effective mechanism to distribute” the money to individual victims for damages that have occurred since Turkey invaded and occupied northern Cyprus in 1974. What documents the victims must provide to share in the distribution will have to be decided and the records of the claims carefully preserved. However, Turkey immediately said it would not pay the judgment. For the judgment, see [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-144151#{"itemid":\["001-144151"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-144151#{); for *Reuters’* report see <http://www.reuters.com/article/2014/05/13/us-turkey-cyprus-davutoglu-idUSBREA4C0AX20140513>

**Extraordinary Chambers in the Courts of Cambodia.** Cases 003 and 004 have been under investigation for five years. Four persons are suspects, but none of their defense lawyers “has been granted access to the case file in either 003 or 004, meaning that the suspects have no ability to monitor the progress of the investigation against them—a crucial fair trial right,” reported the *International Justice Tribune*. <http://justicetribune.com/home/>

**Inter-American Commission of Human Rights.** In February 2014 the Court of Appeals in Haiti ordered the government to reopen its investigation into human rights abuses committed under the Duvalier regime. In May the Inter-American Commission on Human Rights (IACHR) held a public hearing on access to justice for victims of the Jean-Claude Duvalier regime in Haiti (1971-1986). IACHR’s Rapporteur for Haiti told the Commission, “The lack of access to official files, in some cases held by the Haitian Government and in others by foreign Governments, is an obstacle for justice.” IACHR called “on all OAS Member States to open their archives on the human rights abuses committed under the regime of Jean-Claude Duvalier in Haiti.” <http://www.haitilibre.com/en/news-11102-haiti-justice-iachr-calls-on-member-states-to-open-their-archives-on-the-regime-of-jean-claude-duvalier.html>; for the IACHR press release see [http://www.oas.org/en/iachr/media\\_center/PReleases/2014/048.asp](http://www.oas.org/en/iachr/media_center/PReleases/2014/048.asp)

**International Criminal Court.** On May 13 the Prosecutor of the International Criminal Court announced the re-opening of an investigation into “the situation in Iraq,” based on new information the Court received alleging “the responsibility of officials of the United Kingdom for war crimes involving systematic detainee abuse in Iraq from 2003 until 2008,” said the Court’s press release. The *Guardian* reported that the British army’s intelligence corps made “at least” 2,626 video recordings of interrogations in Iraq that “show detainees being threatened, intimidated, subjected to sensory deprivation and complaining of starvation.” The *Guardian* also reported that the United Kingdom’s Ministry of Defense has an “Iraq Historic Allegations Team” that “is currently investigating 93 allegations of mistreatment involving 179 people.” For the press release, see [http://www.icc-cpi.int/en\\_menus/icc/press%20and%20media/press%20releases/Pages/otp-statement-iraq-13-05-2014.aspx](http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/otp-statement-iraq-13-05-2014.aspx); <http://www.theguardian.com/world/2014/may/13/films-videos-uk-army-interrogations-iraq>

**United Nations.** The United Nations Mission in the Republic of South Sudan (UNMISS) presented a human rights report on events since 15 December 2013. It is based primarily on “over 900 interviews,” but the officers also “analysed video and photographic images, including satellite imagery” and “reviewed medical reports where available.” They concluded that there are “reasonable grounds to believe that

violations of international human rights and humanitarian law have been committed by both parties to the conflict.” Records of field missions such as UNMISS are preserved at the United Nations Archives in New York. For the report, see

<http://unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf>

**World Bank.** The World Bank and the World Health Organization developed a “Global Civil Registration and Vital Statistics Scaling Up Investment Plan,” with a goal of having “universal civil registration of births, deaths, marriages, and other vital events, including reporting cause of death, and access to legal proof of registration for all individuals by 2030.” Archives responsible for vital statistics will need to be in contact with this project, which is to begin in 2015. <http://www.worldbank.org/en/topic/health/publication/global-civil-registration-vital-statistics-scaling-up-investment>

The World Bank published a report “Voice and Agency: Empowering women and girls for shared prosperity.” In a strong chapter 7, it argued the case for better data and evidence on women and girls, noting that no developing country “systematically collect[s] data on the prevalence of physical and sexual violence,” among other human rights violations against females.

[http://www.worldbank.org/content/dam/Worldbank/document/Gender/Voice\\_and\\_agency\\_LOWRES.pdf](http://www.worldbank.org/content/dam/Worldbank/document/Gender/Voice_and_agency_LOWRES.pdf)

### **World/general news.**

The owner of an auction house in Munich, Germany, that sold 32,000 works of art between 1936 and 1944 was investigated after the Second World War for his Nazi connections but was never prosecuted. He died in 1958, and the auction house was sold. Last year the successor auctioneer discovered in a basement filing cabinet 93 catalogues giving “detailed information about consignors, valuations, and buyers,” covering 33 wartime auctions in Munich and 18 in Vienna. *Art Law Report* wrote that the catalogues “include significant numbers of Jewish consignors until 1941, who were seeking to sell their collections, with detailed descriptions of the objects themselves.” The names and images of the artworks have now been published on lostart.de, the German government website for recovering looted art. This, commented the *Telegraph*, is “the first time any German art dealer has publicly released its records from the Nazi era.” <http://www.artlawreport.com/2014/05/28/the-next-gurlitt-records-from-weinmuller-auction-house-made-available-online/>; <http://www.telegraph.co.uk/news/worldnews/europe/germany/10863578/Record-of-largest-ever-Nazi-art-hoard-made-public-for-first-time.html>

Also in May, Cornelius Gurlitt, the German man whose thousands of art works were seized in a police raid in 2012, died. He willed his art, some of which may have been looted by the Nazi regime, to the city art museum in Bern, Switzerland. For background, see *HRWG News* 2013-11.

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

**Czech Republic/United Kingdom/United States.** In April the U.S. television program *60 Minutes* interviewed Sir Nicholas Winton, a stockbroker in London who saved 669 Czech children during World War II. He told the broadcast that he had written a letter in May 1939 to U.S. President Franklin D. Roosevelt “describing the plight of the Czech children and asking that American grant refuge to a number of them” but the plea was refused. After seeing the broadcast, David Langbart, a diplomatic records specialist at the U.S. National Archives, located the Winton letter and, according to a subsequent *60 Minutes Overtime* report, “a chain of internal government communications” about how to answer it. A copy of his letter was given to Sir Winton. <http://www.cbsnews.com/news/1939-letter-found-plea-to-fdr-to-save-jewish-kids/>

**Dominican Republic/Haiti.** The Dominican Republic passed a law to create a path to citizenship for descendants of migrants from Haiti to the Dominican Republic. Last September the Republic’s Constitutional Court ruled that people born in the Dominican Republic were not automatically entitled to citizenship and applied that ruling to all migrants since 1929. The new law is narrow, critics say, applying

only to persons born to foreigners living in the Republic between 1929 and 2007 “who are registered with the government,” reported the *Associated Press*. For background, see *HRWG News* 2013-09. <http://www.miamiherald.com/2014/05/22/4132083/new-dominican-law-aids-some-stateless.html>

Ethiopia/United States. A man who as a jail guard in Ethiopia tortured and killed “dozens” of people in the 1970s and who subsequently immigrated to the United States using another man’s identity, was sentenced to 22 years in prison for fraud on U.S. immigration forms (using a false name and denying that he had committed acts of political persecution). The judge said he imposed the long prison term because “the risk that this country becomes regarded as a safe haven for violators of human rights is such that the maximum sentence is required,” the *Associated Press* reported. <http://www.usnews.com/news/us/articles/2014/05/23/prosecutors-seek-long-sentence-for-ethiopian-guard>

Germany/United States. Another of Adolf Hitler’s photo albums of looted paintings and other cultural items was donated to the U.S. National Archives. The album was in “private hands,” the *Washington Post* reported. [http://www.washingtonpost.com/local/national-archives-to-get-photo-album-of-looted-hitler-art-to-mark-end-of-world-war-ii-in-europe/2014/05/01/83b3c874-d152-11e3-9e25-188ebe1fa93b\\_story.html](http://www.washingtonpost.com/local/national-archives-to-get-photo-album-of-looted-hitler-art-to-mark-end-of-world-war-ii-in-europe/2014/05/01/83b3c874-d152-11e3-9e25-188ebe1fa93b_story.html)

Iraq/United Kingdom. In November 2009 the U.K. government initiated a “public inquiry into the allegations that Iraqi nationals were detained after a firefight with British soldiers in Iraq in 2004 and unlawfully killed at a British camp, and that others had been mistreated at that camp and later at a detention facility.” The hearings have concluded but the final report has not yet been issued. *The Telegraph* reports that a law firm representing Iraqis destroyed a document relevant to the inquiry; it contained “the names of the former detainees, along with the insurgent militia platoons to which they belonged.” The law firm is under investigation by the Solicitors Regulatory Authority. The newspaper commented, “Although the contents of the document survived in other forms, it is believed that the destruction of the original handwritten translation has made it impossible to establish its true provenance, and therefore harder for the Government’s lawyers to establish its true significance in court.” In archival terms, this argues for the intrinsic value of the original item. For the inquiry website, see <http://www.alsweadyinquiry.org/>; <http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/10806582/Iraqis-solicitor-shredded-torture-file.html>

Iraq/United States. The Ambassador of Iraq to the United States announced the extension of the time period for the exhibit of the Iraqi Jewish material found in the flooded basement of the Iraqi secret police during the Iraq war and brought to the U.S. in 2003. However, the ambassador added, “Items which were among the material brought to the United States that are not part of the exhibit will return to Iraq in the very near future, as originally agreed.” Although not announced, apparently it is a two year extension. <http://www.iraqiembassy.us/article/statement-on-extension-of-iraqi-jewish-archive-exhibit>

Ireland/United Kingdom/Northern Ireland/United States. The controversy continued over the Boston College oral interviews with former members of the Irish Republican Army. The police in Northern Ireland said they were bringing legal action to obtain all the transcripts and recordings (they have previously obtained a part of the material); the College said it will give the tapes and transcripts back to any interviewees who want them; *NBC News* asked a judge to give it access to all items already turned over to the Northern Ireland police; Sinn Fein president Gerry Adams, who was held for questioning and then released by the Northern Ireland police, said the oral history project was “biased” by interviewing people opposed to him and the party’s efforts to establish peace; and the Oral History Association issued a statement on the project. [http://mobile.nytimes.com/2014/05/07/world/europe/boston-college-says-it-will-return-interviews-about-northern-ireland.html?emc=edit\\_th\\_20140507&nl=todaysheadlines&nliid=37749134&r=0&referrer](http://mobile.nytimes.com/2014/05/07/world/europe/boston-college-says-it-will-return-interviews-about-northern-ireland.html?emc=edit_th_20140507&nl=todaysheadlines&nliid=37749134&r=0&referrer); <http://www.oralhistory.org/2014/05/05/oral-history-association-response-to-developments-in-boston-college-case/>; <http://www.nbcnews.com/#/news/investigations/after-nbc-news-question-northern-ireland-police-request-secret-tapes-n112226>; <http://www.theguardian.com/politics/2014/may/21/boston-college-project-tapes-nbc-legal-challenge-northern-ireland>; <http://chronicle.com/article/Northern-Irish-Police-Seek/146769/>; <http://www.nytimes.com/2014/05/22/world/europe/where-say-nothing-is-gospel-ira-victims-daughter-is-talking.html?hp&r=0>

Israel/Palestine. Two Palestinian teenagers were shot and killed during a confrontation with Israeli police and soldiers in the West Bank village of Beitunya on May 15. Video footage from “fixed security cameras at a Palestinian-owned business that overlooked the scene” was released by the children’s rights advocacy organization Defense of Children International, reported *Al-Jazeera*, and *CNN* also filmed the shooting.



Records of both the NGO and the new media are important evidence in the case.

<http://www.aljazeera.com/news/middleeast/2014/05/video-shows-fatal-shooting-palestinians-2014520144245815183.html>;  
<http://www.cnn.com/2014/05/29/world/israeli-shooting-investigation/>

Israel/Vatican. The Pope visited Israel amid calls to speed the opening of the Vatican's World War II era files. <http://www.theguardian.com/world/2014/may/22/campaigners-hope-pope-francis-visit-israel-vatican-holocaust-files>

United Kingdom/Former Colonies. The Foreign and Commonwealth Office held a meeting on the progress of the release of the "special collections" that it had withheld from the National Archives for years. The *Guardian* reported that 60,000 withheld files would be reviewed by 2019 with priority given to "several file classes, including colonial reports and materials related to Second World War-era spies Guy Burgess and Donald Maclean," but 540,000 files would still remain to be reviewed. The Office is hiring 12 additional "sensitivity reviewers" (in addition to the 26 already employed). For background, see *HRWG News* 2014-01 and 02. <http://www.theguardian.com/politics/2014/may/11/foreign-office-archive-illegally-held-files> For photographs of Foreign and Commonwealth "Special Collection" archives, see <http://www.theguardian.com/uk-news/gallery/2014/may/20/the-foreign-and-commonwealth-special-collection-archives-in-pictures>

## National news.

Argentina. The *International Justice Tribune* reported that this year "more than 7000 files were found within the Campo de Mayo garrison, which operated as a clandestine detention centre. Most of the files referred to political leaders imprisoned in a military jail in Magdalena, Buenos Aires province. They are still being examined and are not yet available for public consultation." The article also has a useful summary of what has so far been learned from the records of the military dictatorship whose "discovery" was announced last October. <http://justicetribune.com/home/>

Bosnia. The recent floods in Bosnia did "huge damage" to the records of the district court and prosecutor in Dobojo, reported *BIRN*. Fortunately, most of the "files regarding war crimes cases were on the upper floors" of the court building and are safe. [http://www.balkaninsight.com/en/article/floods-hit-bosnian-judiciary?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=2ac9e388ff-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_561b9a25c3-2ac9e388ff-311109073](http://www.balkaninsight.com/en/article/floods-hit-bosnian-judiciary?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=2ac9e388ff-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-2ac9e388ff-311109073)

Croatia. A former interior minister was acquitted of a charge of killing civilians during the Communist Partisan takeover of Yugoslavia during World War II. *BIRN* reported the judge said, "The most important thing for the court and this trial was that there were no written order[s], which is understandable as even then everybody knew this was an evident war crime." [http://www.balkaninsight.com/en/article/ex-croatian-minister-pleads-not-guilty-for-ww2-mass-killings?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=afa061a8ed-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_561b9a25c3-afa061a8ed-311109073](http://www.balkaninsight.com/en/article/ex-croatian-minister-pleads-not-guilty-for-ww2-mass-killings?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=afa061a8ed-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-afa061a8ed-311109073)

Germany. An historian working for the Independent Historical Commission of the Bundesnachrichtendienst (BND), Germany's foreign intelligence agency, found a 321-page file in the BND archives that shows that veteran officers of the Nazi-era Wehrmacht and Waffen-SS organized a "secret army" in 1949, *Spiegel Online* reported. The goal was "to defend nascent West Germany against Eastern aggression in the early stages of the Cold War and, on the domestic front, deploy against the Communists in the event of a civil war." A key organizer called the project the "Insurance Company," and the file, which belonged to the predecessor of the BND, is labelled "Insurances." <http://www.spiegel.de/international/germany/wehrmacht-veterans-created-a-secret-army-in-west-germany-a-969015.html>

Germany's Central Office of the Judicial Authorities of the Federal States for the Investigation of National Socialist Crimes announced that it would "soon" give state prosecutors the results of its investigations "into war crimes allegedly committed by several former concentration camp guards" at Majdanek, a Nazi death camp in eastern Poland during World War II. "As many as 20 men and women could be prosecuted," reported *Jurist*. The *New York Times* carried an article on the "new tools" that prosecutors can use, particularly three-dimensional computer models of sites. The prosecutor in Stuttgart embraces the new technology, but said archival research was also important. In developing a case against Hans Lipschis, a

guard at Auschwitz, the prosecutor used “spreadsheets to log data from Nazi record books and officers’ diaries to calculate more precise estimates of the numbers of victims,” “the meticulous diary kept by . . . the unit commander to establish the exact times when the suspect served guard duty” and “the transport lists of prisoners who arrived at Auschwitz-Birkenau to find out how many people would have arrived under Mr. Lipschis’ watch.” <http://jurist.org/paperchase/2014/05/german-prosecutors-to-consider-new-evidence-against-surviving-nazi-concentration-camp-guards.php>; <http://www.nytimes.com/2014/05/06/world/europe/chasing-death-camp-guards-with-virtual-tools.html>

Guatemala. In striking proof that even trials with massive documentation that led to convictions aren’t enough to change some minds, Guatemala’s Congress approved a non-binding resolution saying it is “legally impossible . . . that genocide could have occurred in our country’s territory during the armed conflict” between 1960 and 1996, reported the *Associated Press*. For background, see *HRWG News* 2012-02 and 08, 2013-09. <http://abcnews.go.com/International/wireStory/guatemalan-congress-votes-deny-genocide-23715631#.U3OtUNxOCLo.twitter>

India. The Office of the Registrar General of India launched the “Million Death Study” to assign causes to the “million premature deaths that took place between 2001 and 2014,” the *New York Times* reported. “Nearly 70 percent of deaths in India, five million in all each year, take place in the absence of medical supervision,” and surveyors are talking to households and filling out paper “verbal autopsy forms” which will be scanned and shared with the Center for Global Health Research. [http://www.nytimes.com/2014/05/23/world/asia/chasing-down-death-india-seeks-answers-on-premature-mortality.html?\\_r=0](http://www.nytimes.com/2014/05/23/world/asia/chasing-down-death-india-seeks-answers-on-premature-mortality.html?_r=0)

“Important” election records were among the records burned in a fire in the State Council of Education and Training in Gurgaon, a city near New Delhi, *India News* reported. [http://twocircles.net/2014may25/fire\\_destroys\\_election\\_records\\_scert\\_gurgaon.html#.U4NZItEgunk](http://twocircles.net/2014may25/fire_destroys_election_records_scert_gurgaon.html#.U4NZItEgunk)

Ireland. The *Irish Times* reported that the government is preparing legislation to transfer to the National Archives the records of the Commission to Inquire into Child Abuse, the Residential Institutions Redress Board and the review committee of the redress board. The records would be sealed for 75 years with “restricted access” after that. Approximately 1400 complainants gave evidence as did representatives of 18 religious congregations that managed residential institutions for children. <http://www.irishtimes.com/news/social-affairs/abuse-documents-not-to-be-destroyed-despite-assurances-1.1811692>

Bank of Ireland documents that “include detailed statistics not otherwise available about mortgage arrears, loan applications, the performance of mortgages given to staff members and developers and its estimates of competitors’ arrears problems running to March 2014, were discovered on public transport by a member of the public” and given to the *Sunday Independent*. <http://www.independent.ie/business/irish/security-chaos-at-boi-as-files-left-on-public-transport-30301043.html>

Kenya. In stories filed two days apart, *The Standard* first reported that an audit discovered “some 10,000 files are missing from the lands registry.” Kenya has a new “national titling center at Survey of Kenya” that aims to issue Kenyans one million land ownership documents by the end of the year. Then the news broke that three land registry employees had been arrested and another was being interrogated; all were caught “sneaking” title deeds out of the building. Ministry officials said that some employees, “apprehensive that they could be nabbed due to their involvement in corruption deals, were secretly smuggling files and title deeds suspected to be illegally signed.” [http://www.standardmedia.co.ke/?articleID=2000119779&story\\_title=10-000-files-missing-at-lands-registry-audit](http://www.standardmedia.co.ke/?articleID=2000119779&story_title=10-000-files-missing-at-lands-registry-audit); [http://www.standardmedia.co.ke/?articleID=2000120998&story\\_title=lands-ministry-staff-caught-sneaking-out-title-deed/](http://www.standardmedia.co.ke/?articleID=2000120998&story_title=lands-ministry-staff-caught-sneaking-out-title-deed/)

Kuwait. Kuwait’s Interior Ministry announced that it is “negotiating with a fellow ‘Arab country’ to naturalize Kuwait’s stateless community in exchange for economic benefits,” reported *Al-Monitor*. When Kuwait became independent in 1961, persons were required to register as citizens. An estimated 105,000 persons (of a total population of 4 million), particularly Bedouins, either failed to register “or faced a racist bureaucracy that links citizenship with urban residents and not nomads.” Without citizenship documentation, persons cannot get a public education, health care and certain types of employment. The Bedouins “were gradually denied any form of identification and authorities started to classify them as ‘illegal residents’.” The government said it plans to begin by “buying 1900 passports from the Comoros

for stateless people” who had “no state records prior to 1985.” [http://www.al-monitor.com/pulse/originals/2014/05/kuwait-bedoon-comoros-stateless-citizenship.html?utm\\_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm\\_campaign=3444abd6f1-May\\_30\\_2014&utm\\_medium=email&utm\\_term=0\\_28264b27a0-3444abd6f1-93088897](http://www.al-monitor.com/pulse/originals/2014/05/kuwait-bedoon-comoros-stateless-citizenship.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=3444abd6f1-May_30_2014&utm_medium=email&utm_term=0_28264b27a0-3444abd6f1-93088897)

*Arabian Business Publishing* reported that five people were arrested for attempting to smuggle classified documents onto a ship bound for India. “The documents included papers from the interior and defense ministries, including police and military IDs, secret letters of the Ministry of Education, the Traffic General Department, Ministry of Social Affairs and Kuwait University” and “details of bank customers and their accounts.” <http://www.arabianbusiness.com/five-arrested-for-bid-smuggle-secret-kuwait-gov-t-documents-551157.html>; <http://news.kuwaittimes.net/official-denies-classified-files-smuggling-report-heading-to-india/>

Latvia. The parliament amended the “law on preservation of KGB documents and determining the status of former KGB operatives or informers in Latvia,” *The Baltic Times* reported. A “special inter-ministerial commission” to conduct “scientific research” on the KGB files is to be in operation on January 1, 2015, and complete its work by May 31, 2018, after which the archives will be made public. <http://www.baltictimes.com/news/articles/34827/#.U22ZJtF3M1J>

Mexico. The state of Michoacan imposed a deadline of May 10 for members of the paramilitaries (“auto-defensas”) to “register their weapons and formally disband” reported the *Los Angeles Times*. More than 6000 weapons were registered by “at least” 3316 people, who were “allowed to keep their handguns and assault weapons (but no rocket launchers or bazookas).” The army conducted the registration; it is not clear where the records of the registration will be held. Records of demobilization and disarmament are found in many post-conflict countries; not much is known about what archives have custody of them. <http://www.latimes.com/world/mexico-americas/la-fg-michoacan-violence-20140512-story.html#page=1>

Nepal. The president signed the bill establishing the Truth and Reconciliation Commission and the Commission on Investigation of Enforced Disappearances, reported *kantipur.com*. Nepal has had two previous truth commissions, one of which issued a report; it is not clear what archives holds the records of those commissions. <http://www.ekantipur.com/2014/05/12/fullnews/prez-seals-trc-bill/389433.html>

Netherlands. The Amsterdam city council announced it will “pay compensation to Jewish residents who fled or were forced from their homes during World War II—and returned to find overdue taxes and late payment fees waiting for them,” reported the *Associated Press*. The evidence of the fines levied was found in the city archives, demonstrating the importance of municipal records for human rights. For background, see *HRWG News* 2013-07. <http://bigstory.ap.org/article/amsterdam-compensate-jews-wwii-taxes-fines>

Norway. The National Archives announced that beginning January 1, 2015, records of the treason trials after the end of World War II will be open for public access. *Norway’s News in English* reported that the files “include information on around 90,000 cases of alleged treason and more than 350 cases against Norwegians accused of war crimes.” <http://www.newsinenglish.no/2014/05/15/norway-to-open-war-treason-archives/>

Philippines. Human Rights Watch issued a report urging the government to investigate a “death squad” operating in Tagum City on the island of Mindanao. HRW used official police records and found “298 killings between January 2007 and March 2013 that provincial police attributed to the ‘Tagum Death Squad’ and for which no one has been prosecuted.” <http://www.hrw.org/reports/2014/05/20/one-shot-head>

Russia. A new law “mandates up to five years in jail and heavy fines for anyone who tries to rehabilitate Nazism or denigrate Russia’s World War II record,” the *New York Times* reported. Historians and others sharply criticized the law, but “historians acknowledge that after the 1991 collapse of the Soviet Union, when the archives were first opened, the outpouring of negative records alienated many Russians.” [http://www.nytimes.com/2014/05/12/world/europe/russia-revisits-its-history-to-nail-down-its-future.html?\\_r=0](http://www.nytimes.com/2014/05/12/world/europe/russia-revisits-its-history-to-nail-down-its-future.html?_r=0)

Another new law requires bloggers to register with the government as a media outlet if their blog has more than 3,000 visits daily. Bloggers may not be anonymous, and the organizations that provide the platforms for the bloggers must maintain computer records “on Russian soil” of everything posted over the previous

six months. It is not clear who will maintain the registration records. For a summary article with a link to the law and background information, see <http://www.theverge.com/2014/5/7/5690410/putin-signs-law-forcing-bloggers-to-register-with-russian-media-office>

Spain. The village of Castrillo Matajudios—roughly, Little Hill Fort of Jew Killers—voted to change its name to Little Hill Fort of Jews, which appears to be the original name of the town founded in the eleventh century by Jews who had been expelled from a nearby town. The earliest document showing “killers” in the town name is dated 1623. The *Guardian* reported that the town’s mayor believes the name was changed in the wake of the Spanish Inquisition and the expulsion of the Jews from Spain in 1492 by villagers wanting to distance themselves from their Jewish past and thereby reduce the risk of further persecution. <http://www.theguardian.com/world/2014/may/24/castrillo-matajudios-spain-villagers-vote-spain-racism>

Sri Lanka. The International Committee of the Red Cross and the ministry of social welfare of Sri Lanka began a survey of a “sample” of families of the missing “in order to assess their needs,” reported *Inter Press Service*. The number of people missing from the civil war that began in the early 1980s may be as high as 40,000; ICRC said it has over 16,000 requests to trace missing persons. A presidential commission on the missing is supposed to finish its work by August and “has so far received 16,000 complaints.” The records of both the sample and the work of the commission need to be carefully preserved in an archives. <http://www.ipsnews.net/2014/04/sri-lanka-prepares-certificates-absence/>

Switzerland. In 1996 the canton of Appenzell-Ausserrhoden sold the state-owned Ausserrhoder Kantonalbank to UBS, the biggest Swiss bank company. The sale included the cantonal bank’s complete archives dating from its founding in 1877, which UBS was obliged to preserve. However, historians researching the history of the cantonal bank have been denied access to the records by UBS, which claims that the archives now have a private character. A member of parliament from the canton insists that there is a right of access to the records which were created as state records; the canton’s government must now find a solution to bring the archives back under public archives access rules. Thanks to Hans von Rutte for the information. <http://www.nzz.ch/aktuell/schweiz/ubs-sitzt-auf-ausserrhoder-archiv-1.18269654>

Tunisia. Tunisia created a 15-member truth and justice commission, reported *Agence France Presse*. <http://www.naharnet.com/stories/en/131271-tunisia-forms-commission-to-compensate-ben-ali-victims>

The secretary general of the Syndicat de la securite republicaine (security police) told a conference that the archives of the director general of the Syndicat were destroyed on orders of the Ministry of the Interior, to which it belongs. <http://www.tunisienumerique.com/tunisie-mohamed-rouissi-des-cadres-du-ministere-de-linterieur-ont-detruit-des-archives/222773>

Turkey. A researcher responding to the claim made by Turkish Prime Minister Erdogan that the Turkish archives are open for researchers on the Armenian Genocide in 1915 told *bianet* that the records of the General Staff “are open on paper but virtually closed” and finding aids are inadequate. <http://www.bianet.org/english/world/155390-open-archives-are-faulty-military-archives-are-de-facto-closed>

Ukraine. The archives of Ukraine’s former Prosecutor General are with a “paramilitary group” that allowed the online paper *Ukrayinska Pravda* to publish excerpts. The current Prosecutor General now is “in talks” with the group to obtain the archives, which he believes “contain information about the authorities’ struggles against the protestors” last November, reported *RAPSI*, the Russian Legal Information Agency. <http://rapsinews.com/news/20140520/271361933.html>

United Kingdom/Northern Ireland. The Public Records Office of Northern Ireland made available online an index to more than 13,000 case files from coroners inquests for the years 1969-1999. These records include “information on about 3,000 deaths in the Troubles,” reported *BBC News*. Persons wanting to see the case files—which “may include inquest verdicts, port-mortem reports, witness statements, police documents and photographs”—must file a Freedom of Information Act request. <http://www.bbc.com/news/uk-northern-ireland-27629003>



United States. The White House released a large report, “Big Data: Seizing Opportunities, Preserving Values.” It tries to strike a balance between the use of big data and the needs to protect personal privacy, calling for a consumer “bill of rights” to protect personal data, national data breach legislation to set a national standard and time frames for notification after a breach, and extending protections of electronic privacy to non-U.S. citizens. It recommends that Federal agencies consider “data tagging to enforce usage limitations, controlled access policies, and immutable auditing” as “built-in protections for privacy, civil rights, and civil liberties.” How that will affect the government archival practices in the future is an open question. <http://www.baselinemag.com/analytics-big-data/the-white-house-tackles-big-data-and-privacy.html>; for the report see [http://www.whitehouse.gov/sites/default/files/docs/big\\_data\\_privacy\\_report\\_may\\_1\\_2014.pdf](http://www.whitehouse.gov/sites/default/files/docs/big_data_privacy_report_may_1_2014.pdf)

In a related report, “Data Brokers: A Call for Transparency and Accountability,” the Federal Trade Commission used documents gathered from data brokers (companies whose business is to collect information from various sources and repackage it and sell it to other companies, primarily marketers) to draw a picture of the vast variety of information that data brokers provide, from personal demographics and political and religious affiliations to health and income information and data about hobbies and purchasing habits. <http://www.ftc.gov/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014>

For an interesting look at the government’s use of big data, the *New York Times* reported that when an ice storm threatened New Orleans last January, “federal officials scoured Medicare health insurance claims to identify potentially vulnerable people and share their names with local public health authorities for outreach during emergencies and disaster drills.” Using the information, city officials contacted kidney dialysis patients, advising them to “seek early treatment because clinics would be closing,” and persons who “rely on breathing machines at home were told how to find help if the power went out.” [http://www.nytimes.com/2014/05/16/us/us-mines-personal-health-data-to-aid-emergency-response.html?\\_r=0](http://www.nytimes.com/2014/05/16/us/us-mines-personal-health-data-to-aid-emergency-response.html?_r=0)

A prisoner at the U.S. military prison in Guantanamo Bay, Cuba, is on a hunger strike and has sued the U.S. to stop force feeding him, many media sources reported. A judge temporarily halted the practice but then permitted it to resume to keep the prisoner alive. The military has videotaped the force-feeding process; of the 136 videotapes of the prisoner, the judge ruled that 34 must be given to his attorneys as well as his medical records from last year. <http://www.reuters.com/article/2014/05/17/us-usa-courts-guantanamo-idUSBREA4G00X20140517>; <http://www.theguardian.com/world/2014/may/23/us-military-force-feeding-guantanamo-detainee-judge>; [http://www.huffingtonpost.com/2014/05/21/judge-produce-gitmo-video\\_n\\_5366647.html](http://www.huffingtonpost.com/2014/05/21/judge-produce-gitmo-video_n_5366647.html)

The Attorney General directed federal law enforcement officers to “electronically record all statements by suspects in federal custody before they appear in court,” beginning on July 11, reported the *Washington Post*. The directive applies to the Federal Bureau of Investigation; the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; and the U.S. Marshals Service. Video is the preferred method, but audio recording can be used. This potentially enormous quantity of new records may prompt a review if not revision of the records disposition schedules for those agencies. [http://www.washingtonpost.com/world/national-security/federal-law-enforcement-agencies-directed-to-record-statements-by-suspects-in-custody/2014/05/22/2b5b70fe-e1ca-11e3-810f-764fe508b82d\\_story.html](http://www.washingtonpost.com/world/national-security/federal-law-enforcement-agencies-directed-to-record-statements-by-suspects-in-custody/2014/05/22/2b5b70fe-e1ca-11e3-810f-764fe508b82d_story.html); for the statement see <http://www.justice.gov/agwa.php>

A scandal over treatment at military veterans’ hospitals involved falsified records of patient appointments and “secret wait lists” to make the official statistics of treatment look better than they actually were. In the St. Petersburg, Florida, Veterans Benefits Administration Office, the agency inspector general reported that “lost and misfiled records in the file room were a major issue,” reported the *Tampa Tribune*. For a sample of the extensive media coverage, see <http://www.usatoday.com/story/news/nation/2014/05/09/va-shinseki-veterans-delays-medical/8907417/>; <http://www.azcentral.com/story/news/politics/2014/05/03/sign-va-officials-destroyed-key-files-sunday/8651183/>; [http://www.cnn.com/2014/05/08/us/va-san-antonio-allegation/index.html?hpt=hp\\_t2](http://www.cnn.com/2014/05/08/us/va-san-antonio-allegation/index.html?hpt=hp_t2); <http://www.stripes.com/news/veterans/va-probe-finds-records-disarray-at-st-pete-benefits-office-1.283573>

Several non-governmental human rights groups successfully used the Freedom of Information Act to obtain information. (1) A gay rights advocacy group has obtained hundreds of documents about the government’s “obsessive effort” in the years before 1975 to fire gays from government jobs, reported the *Advocate*, whose report included links to related articles. The records of the Federal Bureau of Investigation, now at

the National Archives, are a key source. (2) The Partnership for Civil Justice Fund obtained some 4000 pages of records from the Department of Homeland Security, documenting the monitoring of the Occupy movement in 2011 and 2012. (3) And the American Immigration Council obtained records of the United States Customs and Border Protection that showed that of the 809 abuse complaints filed against Border Patrol agents within 100 miles of the Southwest border from January 2009 to 2012, only 13 led to disciplinary action. The *New York Times* noted that the records the Council reviewed were merely “a subset of the total number of complaints filed; there is no unified system for reporting complaints against Customs and Border Protection.” <http://www.advocate.com/employment-discrimination/2014/05/21/archival-docs-illustrate-feds-obsessive-effort-purge-gay>; <http://www.justiceonline.org/one-nation-under-surveillance/report.html> ; <http://www.americanimmigrationcouncil.org/newsroom/clip/immigration-council-report-featured-new-york-times>

In contrast to those successful requests, the U.S. Court of Appeals for the District of Columbia Circuit ruled (2 judges to 1) that the Central Intelligence Agency can withhold the draft of Volume V of the Agency’s history of the 1961 failed invasion of Cuba at the Bay of Pigs. The majority said that as a draft, the volume was “predecisional and deliberative” and could be withheld, even though the guidance to Federal agencies by the U.S. Department of Justice says that drafts should not be withheld solely because they are drafts. The director of the National Security Archive, the private NGO that filed the Freedom of Information Act request for Volume V, said, “This decision would put off limit half of the contents of the National Archives,” *Politico* reported. <http://www.politico.com/blogs/under-the-radar/2014/05/cia-wins-secrecy-for-bay-of-pigs-history-188866.html>

A medical center in Boston is experimenting with giving psychiatric patients “electronic access to therapy notes written by their psychiatrists, psychologists and social workers,” the *Washington Post* reported. [http://www.washingtonpost.com/national/health-science/boston-hospital-pilot-gives-patients-electronic-access-to-their-therapists-notes/2014/05/18/2d891bac-cfe5-11e3-a6b1-45c4dff85a6\\_story.html](http://www.washingtonpost.com/national/health-science/boston-hospital-pilot-gives-patients-electronic-access-to-their-therapists-notes/2014/05/18/2d891bac-cfe5-11e3-a6b1-45c4dff85a6_story.html)

United States/California. The “biggest child abuse case in the history” of the Los Angeles school district was settled when the abuser pleaded guilty and was sentenced last year. However, 60 former students and “about” 40 parents are seeking damages in civil cases which are to go to court in July. Now the school system has admitted that in 2008 it destroyed “about 2,000 reports containing abuse allegations.” School district employees are required to report suspected abuse to the police or the Los Angeles County Department of Children. The school district maintained copies of the reports from the late 1980s through 2008 when “officials determined that state law banned them from possessing these forms because of privacy rules” and they were destroyed. The school district spokesman said “essential information” from the reports “should have been fully duplicated within internal district reports,” reported the *Los Angeles Times*. <http://www.latimes.com/local/la-me-miramonte-20140502-story.html#page=1>

A judge ordered the Boy Scouts of America to turn over 20 years of personnel files about Scout leaders who were accused of sexual abuse, the *Associated Press* reported. The Scouts have previously been forced to release “large portions of files dating from 1965 to 1985” but the attorneys for the man who says he was abused will now get files through 1991. The Scouts already have “authenticated” copies of files from 1991 to 2011 for the case. <http://www.utsandiego.com/news/2014/May/16/boy-scouts-to-turn-over-files-in-sex-case/>

United States/Illinois. The *Associated Press* reported that the Illinois state auditor found that when the state closed three health facilities in 2012 it “left behind tractors and a forklift, an unidentified medical specimen and boxes full of confidential patient and employee records.” There were “boxes and filing cabinets full of confidential information abandoned and exposed to other state employees, vandals and . . . to police and military groups using the building for training.” The records included “personnel records, patient surgical and psychiatric records and data about volunteers . . . investigations, reports, and attorney correspondence related to the department’s inspector general.” The auditor said, “It is one thing to leave a typewriter behind, or a car that doesn’t work, but it is a completely different thing to leave an employee’s personnel record behind, or a patient’s medical record behind—that lasts forever.” <http://chicago.cbslocal.com/2014/05/30/confidential-records-left-behind-after-mental-health-centers-closed/>

United States/New York. The worst prison riot in U.S. history occurred in 1971 at the Attica prison in New York. In 2011 “hundreds of letters and printed documents from Attica inmates” that were seized and stored

by the state police after the riot were transferred to the state archives. They were made public when transferred but have now been withdrawn, reported the *Times Union*. The state archivist said that during an inventory the archivists found “many personal items that raise all kinds of privacy issues.”  
<http://www.timesunion.com/local/article/State-takes-back-public-access-to-Attica-materials-5475897.php>

United States/Texas. The North Forest Independent School District was “so plagued with problems and scandals” that the state ordered the schools transferred to the Houston school district, reported *KHOU11 News*. The Houston administration cannot find many student records from North Forest and the records that exist have questionable accuracy. Without high school transcripts, former students cannot document their qualifications for employment and further education. <http://www.khou.com/news/investigative/Missing-high-school-records-stop-former-students-from-succeeding-257391801.html>

United States/Utah. The *BioEdge* headline was startling: “Not your everyday, dull-as-dishwater paternity case.” A child was conceived by artificial insemination of the father’s sperm at a clinic linked to the University of Utah. Last year, a DNA test showed that the child and father were not related and the biological father was a deceased employee of the clinic who, among other things, was a convict “who had served two years of a six-year sentence for kidnapping a female college student and attempting to administer electric shocks to get her to fall in love with him.” A university review committee studied the matter, but found it difficult to reconstruct the events because the clinic was closed in 1997 and “many records were later destroyed.” The university has refused either to notify other families that used the clinic about the case or to release the donor’s identification number.  
[http://www.bioedge.org/index.php/bioethics/bioethics\\_article/10950](http://www.bioedge.org/index.php/bioethics/bioethics_article/10950)

United States/Washington. Under a Freedom of Information Act request, the *Seattle Times* obtained nearly 2,000 documents on how King County was handling people who are brought to hospitals for psychiatric assessment and possible commitment. State law requires an evaluation within 12 hours if the person is brought by the police and six hours if brought by a family member; if the person is not evaluated within those time frames he is released. By reviewing the records, the newspaper found that “the number of people impacted by this law had never been counted before” but on average an unevaluated person was released every other day. <http://www.poynter.org/latest-news/mediawire/251684/king-county-pays-seattle-times-more-than-40000-for-public-records-violations/>

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