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### Commentary.

The ship sails grandly across the sea at the Bardo Museum in Tunis, Tunisia. Made of tiny pieces of stone called tesserae, the ship is created in extraordinary detail. This mosaic technique has given its name to a reason that institutions refuse to release information: as the United States Department of Justice writes in its *Guide to the Freedom of Information Act*, the “mosaic” approach is “the concept that apparently harmless pieces of information, when assembled together, could reveal a damaging picture.” It provides another argument for withholding information, whether information relating to national defense or foreign policy or personal privacy. <http://www.justice.gov/oip/exemption1.htm>

Redacting information—that is, taking pieces of information out of a document so that the rest of the document can be released—makes it possible for researchers to use many more research resources than they would if, for instance, a six page document would have to be withheld because one sentence or one paragraph has information that would violate a person’s privacy. However, for the archivist redacting documents is a time-consuming process that requires great concentration and attention to detail. Most archivists who have redacted documents can recount episodes when pieces of information were missed and therefore released by accident.

The techniques used for redacting paper documents are well-known and time-tested (see, for example, the advice in the International Council on Archives’ “Technical Guidance on Managing Archives with Restrictions” <http://www.ica.org/15369/toolkits-guides-manuals-and-guidelines/technical-guidance-on-managing-archives-with-restrictions.html> ). Techniques for redacting electronic records are seemingly easier, but great care is needed to ensure that the redacted information cannot be restored. Two reports this month illustrate the problem. In one case, the story began last February when the details of nearly 10,000 asylum seekers were included in an electronic publication posted to the Australian Department of Immigration and Border Protection’s website, including full names, nationalities, locations, arrival dates and boat arrival information. When *The Guardian* called attention to the publication, the data was removed. Now the official investigation into the breach says the data “was accessed 123 times” from 104 different electronic addresses and factors contributing to the breach may have included “time pressures, unfamiliarity with certain functionality of Microsoft Word, lack of awareness of roles and responsibilities, and limited awareness of IT security risks associated with online publishing.” <http://www.zdnet.com/au/immigration-data-breach-caused-by-human-error-kpmg-7000030508/> In the other case, New York City officials responded to a public records request by releasing details about 173 million taxi routes in the city after they redacted the driver’s license and medallion numbers (a medallion is the taxi registration). A software developer took the data and in under two hours de-anonymized the entire file, which gave “unfettered access to the full map of routes and schedules for every taxi service in New York, potentially putting privacy and security of millions of passengers and their drivers at significant risk.” As the man who decoded the information wrote, “Anonymizing data is really hard.” <http://vpncreative.net/2014/06/25/173-million-taxi-records-lost-massive-location-data-heist/>; <https://medium.com/@vijayp/of-taxis-and-rainbows-f6bc289679a1>

Both of these incidents involved relatively straightforward redaction problems. But data mining to create a mosaic of withheld documents presents a more complicated problem. A team of historians, mathematicians, computer scientists and statisticians abased at Columbia University is working on a “multimedia research project” called the “Declassification Engine” in which they are gathering electronic versions of “large numbers of federal documents and creating analytic tools to detect anomalies in the collections.” The team suspects “that by spotting something as subtle as an uptick in a diplomat’s

telephone activity they may be able to reveal the existence of historical episodes that the US government has largely suppressed from the public record.” A member of the Central Intelligence Agency’s Historical Review Panel told *Columbia Magazine* that CIA officials worry that the Declassification Engine “could enable foreign spies or terrorist groups to conduct more powerful data-mining analyses of the nation’s public record than they could otherwise” and this will lead the declassification reviewers to say to themselves, “We’re going to have to work more scrupulously than ever.”

<http://magazine.columbia.edu/features/winter-2013-14/ghost-files>

What does this mean for archivists? It means that anyone involved in electronic redaction needs to have the assistance of a very good computer engineer to make sure redaction cannot be reversed and the information restored, whether in two hours or two days. But it also means that archivists who work to persuade officials to release ever more records in electronic form may find them more and more cautious, as data mining shows how easily a mosaic can be assembled. The institution’s ship will undoubtedly sail on, but it may leave smaller and smaller sets of publicly available electronic records in its wake.

**News of the Human Rights Working Group.** The draft “Basic Principles on the Role of Archivists in Support of Human Rights” is now available in English and French on the International Council on Archives website. <http://www.ica.org/15999/news-and-events/basic-principles-on-the-role-of-archivists-in-support-of-human-rights-give-your-opinion.html> Comments can be sent to [access@ica.org](mailto:access@ica.org). The draft will be discussed at an open forum at the ICA annual conference in Girona, Spain, on Tuesday, October 14, at 12:50 P.M. in Room 7.

### **International news.**

**International Criminal Court.** The transitional government of the Central African Republic (CAR) asked the International Criminal Court (ICC) to investigate the most serious crimes committed in the CAR since August 1, 2012, *Hirondelle/all Africa* reported. The Justice Minister, who announced the referral, said the courts of the CAR “are not currently able to conduct on their own the investigations and prosecutions that are indispensable with regard to these crimes.” Earlier this year the ICC began a preliminary investigation of crimes committed in the CAR since March 2013, and ICC already is trying the case of former Congolese Vice-President Pierre Bemba, who is accused of crimes in the CAR during 2002 and 2003. Clearly the records of the ICC will be central sources for the history of the CAR.

<http://africajournalismtheworld.com/2014/06/13/central-african-republic-calls-for-human-rights-violation-probe/>

The ICC’s pretrial judges announced that “having reviewed 69,000 pages of evidence submitted by the prosecution,” Bosco Ntaganda, a former military commander of the Union of Congolese Patriots, will be tried by the Court, reported the *International Justice Tribune*. <http://www.justicetribune.com/>

**United Nations.** The U.S. Holocaust Memorial Museum and the nongovernmental organization National Security Archive “obtained nearly 300 secret cables from the United States, Britain, New Zealand and other members of the United Nations Security Council” from the period of the Rwandan genocide and made them available on line, reported the *New York Times*. [http://www.nytimes.com/2014/06/04/world/africa/un-cables-reveal-a-turning-point-in-rwanda-crisis.html?\\_r=1](http://www.nytimes.com/2014/06/04/world/africa/un-cables-reveal-a-turning-point-in-rwanda-crisis.html?_r=1) The declassified documents can be viewed at <http://rwandafile.com/table/table.html>

**UNESCO.** UNESCO launched a Syrian observatory for cultural heritage based in Beirut, Lebanon. Cristina Menegazzi, the person in charge of the observatory, told Jens Boel, UNESCO’s archivist, that the “topic of archives at risk is considered as part of the whole Syria cultural heritage safeguarding project.” The Syrian government’s Ministry of Culture and Family Affairs said it was creating a Heritage Task Force “to help protect Syrian cultural heritage in the present crisis” and to “coordinate its efforts with UNESCO and other international heritage organizations, such as ICOMOS, ICCROM, and ICOM,” apparently omitting ICA. Archivists need to become involved on behalf of the Syrian archives. Thanks to Jens Boel for the information. <http://www.etilaf.us/heritagetf>

## World/general news.

The Office of the Director of National Intelligence of the United States released a “transparency report” which said that “it had targeted nearly 90,000 foreign persons or organizations for surveillance through U.S. companies last year,” reported the *Washington Post*. The report covers only surveillance under Section 702 of the amended Foreign Intelligence Surveillance Act and therefore does not reveal either how many foreigners were surveilled pursuant to other authorities or how many U.S. citizens had their calls and emails monitored because they were in contact with “foreign targets.”

[http://www.washingtonpost.com/world/national-security/us-releases-data-on-sensitive-surveillance-programs-for-first-time/2014/06/27/46bbd47e-fe3a-11e3-8176-f2c941cf35f1\\_story.html](http://www.washingtonpost.com/world/national-security/us-releases-data-on-sensitive-surveillance-programs-for-first-time/2014/06/27/46bbd47e-fe3a-11e3-8176-f2c941cf35f1_story.html)

In another release of information from government records provided to journalists by former National Security Agency contractor Edward Snowden, the *New York Times* reported, “The National Security Agency is harvesting huge numbers of images of people from communications that it intercepts through its global surveillance operations for use in sophisticated facial recognition programs.”

<http://www.nytimes.com/2014/06/01/us/nsa-collecting-millions-of-faces-from-web-images.html>

Verizon, a telecommunications company based in the United States, released its 2014 Data Breach Investigations Report. Fifty organizations, public and private, doing business in 95 countries had more than 63,000 confirmed security incidents and 1367 “confirmed data breaches.”

<http://www.verizonenterprise.com/DBIR/2014/>

## Bilateral and multilateral news.

Afghanistan/United States. In the wake of a video posted in January 2012 that showed U.S. Marines urinating on the bodies of dead Taliban fighters, a military investigator obtained several dozen related images showing troops posing with corpses, reported *Secrecy News*. The Marines gave a security classification to the photographs and other investigation materials, arguing that their dissemination could encourage attacks against troops. A Marine lawyer involved in the investigation opposed the classification and filed a whistle-blower complaint with the government’s Information Security Oversight Office, which has now ruled that the Marine Corps legitimately classified the photographs.

<http://fas.org/blogs/secrecy/2014/06/isoo-complaint/>

Bosnia/Croatia/Serbia. At a conference in Sarajevo, the International Commission on Missing Persons said that “the remains of around 13,000 people who disappeared during the 1990s wars in the former Yugoslavia have not yet been found,” *BIRN* reported. The president of the Croatian government commission on detained and missing persons said that although his group has identified more than 81 per cent of the missing, “The problem in the search for missing persons is the flow of information from those who have information on mass and individual graves, and regarding that we have open questions for Serbia.”

[http://www.balkaninsight.com/en/article/process-of-search-for-missing-persons-needs-acceleration?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=a811f2a27d-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_561b9a25c3-a811f2a27d-311109073](http://www.balkaninsight.com/en/article/process-of-search-for-missing-persons-needs-acceleration?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=a811f2a27d-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-a811f2a27d-311109073)

Czech Republic/Slovakia. The Slovak Institute of National Memory last year said that its files showed that the Czech Finance Minister, Andrej Babis, had worked for the Czechoslovak secret police (StB) in the 1980s (see *HRWG News* 2013-11). Babis sued the Institute, and now the court has cleared him, saying there was “no evidence” that he was an agent or collaborator although his code name “appeared in a dozen secret police files,” reported *Radio Prague/Czech Radio*. The director of the Institute said it will appeal the verdict. <http://www.czech.cz/en/Nouvelles/Slovak-court-clears-Czech-top-official-of-collabor>

Germany/United States. An 89-year-old man who served as a guard at the Auschwitz-Birkenau death camp during World War II was arrested in Philadelphia for extradition to Germany where he will be tried on “158 counts of complicity in the commission of murder,” the *Associated Press* reported. The article was accompanied by an image of the archival record of his employment in Birkenau.

<http://www.aol.com/article/2014/06/18/us-man-89-is-held-on-nazi-death-camp-charges/20915381/?icid=maing-grid%7Chtmlws->

Ireland/United Kingdom/Northern Ireland. Using records from the U.K. National Archives, Ireland's national public service broadcaster aired a documentary detailing the torture methods used by police and military forces in Northern Ireland in the early 1970s. The program argued that the "techniques were used thirty years later in 2003 by British battle groups stationed in Iraq." <http://www.thejournal.ie/rte-documentary-torture-1498698-Jun2014/> <http://www.bbc.com/news/uk-northern-ireland-27714715>

Ireland/United Kingdom/Northern Ireland/United States. In the latest turns of the saga of the oral histories with participants in the "Troubles" in Northern Ireland (see *HRWG News* 2014-05), the wife of Anthony McIntyre, who recorded the interviews with former Irish Republican Party activists, "made a formal complaint" to the Ireland's national police service "about how her private messages to US diplomats ended up in an Irish Sunday tabloid last month," reported *The Guardian*. Ed Moloney, the director of the Belfast Project (as the oral history project is known), wrote to the Irish Prime Minister and the U.S. Secretary of State, asking for a criminal inquiry into the "illegally intercepted" communications. <http://www.theguardian.com/uk-news/2014/jun/18/call-investigation-boston-college-ira-spying> And a U.S. nongovernmental organization, MuckRock, filed a Freedom of Information Act request to the U.S. Department of Justice for all its records on the United Kingdom's request for access to the oral histories made by the Belfast Project. <https://www.muckrock.com/foi/united-states-of-america-10/belfast-project-documents-doj-oia-12221/>

Israel/Palestine/Russia. The Israeli military broke into the building in Ramallah that houses both the Palestinian company Palmedia and the office of the Russian media company Russia Today, and seized "the archives of RT," according to reports by *The Voice of Russia* radio. RT said it demands "explanations from the Israeli authorities and the return of the seized materials." [http://voiceofrussia.com/news/2014\\_06\\_23/RT-expects-Israel-to-return-seized-archives-from-its-Palestinian-office-5858/](http://voiceofrussia.com/news/2014_06_23/RT-expects-Israel-to-return-seized-archives-from-its-Palestinian-office-5858/)

Japan/Korea. Korea was a colony of Japan from 1910-1945, and in 1923 "up to 6,000 Koreans were killed" by the Japanese in the "Kanto massacre." Records relating to the massacre were found in the South Korean Embassy in Japan last year (see *HRWG News* 2013-11), and a list of 318 of the victims, including their names, addresses and "circumstances under which the victims were killed," was released by the National Archives of Korea, adding to information it previously released. The National Assembly of Korea is considering a "bill aimed at restoring the reputations of the massacre victims," reported the *Koreaherald.com*. <http://www.koreaherald.com/view.php?ud=20140602000789>

South Africa/Switzerland. The Swiss Cabinet announced "that it had removed access restrictions to archive files associated with capital and other export transactions with South Africa during the apartheid era," reported *swissinfo.ch*. For background, see *HRWG News* 2013-12. Thanks to Cristina Bianchi for the citation. <http://www.swissinfo.ch/eng/swiss-lift-restrictions-on-south-africa-archives/38828730>: [http://app.letemps.ch/Page/Uuid/f1ef1f98-f8ab-11e3-beef-b7f9645726d2/Berne\\_1%C3%A8ve\\_le\\_blocage\\_des\\_archives\\_li%C3%A9es\\_%C3%A0\\_lapartheid](http://app.letemps.ch/Page/Uuid/f1ef1f98-f8ab-11e3-beef-b7f9645726d2/Berne_1%C3%A8ve_le_blocage_des_archives_li%C3%A9es_%C3%A0_lapartheid)

## **National news.**

Bosnia. Under new regulations it adopted on May 30, the Bosnian state court will use defendants' full names in rulings (for background see *HRWG News* 2014-03) but will no longer "make or distribute personal photos of the defendants," reported *BIRN*. The court provides ten minutes of video footage from each trial which *BIRN* considers "inadequate for producing proper media reports." [http://www.balkaninsight.com/en/article/bosnian-court-refuses-to-publish-defendants-photos?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=f2f92ae050-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_561b9a25c3-f2f92ae050-311109073](http://www.balkaninsight.com/en/article/bosnian-court-refuses-to-publish-defendants-photos?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=f2f92ae050-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-f2f92ae050-311109073)

Brazil. Rubens Paiva was abducted and killed in 1971 during Brazil's military regime. In March of this year a retired colonel, Paulo Malhaes, confessed to the murder, but later retracted his testimony and was killed during a still unsolved armed robbery. Now five retired military officers have been accused of

torture and murder in the death of Paiva based on “new evidence discovered in [Malhaes’] home, such as documents quoting the involvement of the . . . five military officers,” reported *globalvoicesonline.org*. <http://globalvoicesonline.org/2014/06/09/historic-court-ruling-empowers-brazil-to-confront-its-dark-past/#>

Canada. Rogers Communications, a telecommunications company, issued a report saying it received “nearly 175,000” requests for subscriber information in 2013 of which “100,000 of them were warrantless, which is allowed under PPEDA, Canada’s principal law on digital privacy,” reported *The Huffington Post Canada*. Rogers says it does not keep track of the number of times it actually handed over subscriber information. [http://www.huffingtonpost.ca/2014/06/06/rogers-privacy-rules-geist\\_n\\_5460461.html](http://www.huffingtonpost.ca/2014/06/06/rogers-privacy-rules-geist_n_5460461.html)

As a result of a court case brought by a survivor of the St. Anne’s Indian Residential School in Fort Albany, Ontario, the “federal government has now agreed to provide the transcripts in the Anna Wesley trial to the Department of Aboriginal and Northern Affairs, where they can be requested by residential school survivors,” *CBC News* reported. Wesley was an employee of the school who in 1999 was convicted “of administering a noxious substance to children.”

<http://www.cbc.ca/news/aboriginal/documents-related-to-st-anne-s-residential-school-to-be-released-1.2672256>

*CBC News* also reported on the problems that residential school survivors are having in getting the documents they need to file their compensation claims with the Independent Assessment Process, “an out-of-court procedure for those who experienced sexual, physical or other serious abuses at residential schools.” <http://www.cbc.ca/news/aboriginal/indian-residential-school-claimants-stalled-by-document-search-1.2662404>

The disposition of the records (whether to preserve in whole or part or to destroy) of the Independent Assessment Process is yet to be decided. For some of the commentary, see

<http://www.theglobeandmail.com/news/politics/adjudicator-to-ask-ontario-court-to-keep-residential-schools-testimony-private/article19233215/>;

[http://www.thestar.com/news/gta/2014/06/20/survivors\\_of\\_residential\\_schools\\_push\\_back\\_against\\_document\\_destruction.html](http://www.thestar.com/news/gta/2014/06/20/survivors_of_residential_schools_push_back_against_document_destruction.html);

<http://aptn.ca/news/2014/06/27/survivors-speak-destruction-residential-schools-records/>

Colombia. The government and the FARC rebel group issued a joint declaration with respect to the victims of the long war in Colombia. The ten point accord includes an agreement to “clarify the truth” of what happened during the five decades of conflict by establishing a commission on the history of the conflict and its victims (an estimated 220,000 people died as a direct result of the conflict).

<http://radiomacondo.fm/2014/06/07/gobierno-y-farc-ep-logran-un-acuerdo-historico-con-respecto-a-las-victimas/>

Egypt. The National Archives asked the Presidential Election Commission “to hand over all documents from the recent presidential election” for preservation, reported *Ahram Online*. The Archives has not had electoral records since the election of 2005, and it “lacks modern state documents because most official bodies, especially the military, foreign affairs, interior and the presidency stopped handing over their documents in the middle of the last century.” <http://english.ahram.org.eg/NewsContentP/18/103327/Books/Egyptian-National-Archive-requests--election-docum.aspx>

France. The Barreau de Paris (the association of lawyers) intervened to stop the sale by the Drouot auction house of the professional archives of Jacques Verges, who was the lawyer for Klaus Barbie, a member of the Gestapo during World War II who was convicted of war crimes by France in 1987. The Barreau argued that lawyer-client confidentiality made it unacceptable to sell the archives or make them public, reported *Le Progres*, and said the historically significant papers of attorneys could be stored properly in the association’s museum. <http://www.leprogres.fr/rhone/2014/06/19/proces-barbie-des-avocats-obtiennent-le-retrait-de-la-vente-d-archives-de-jacques-verges>

Hungary. The Supreme Court ordered the Institute of Political History to transfer its 1944-1989 archives to the national archives. The archives to be transferred, explained *MTI*, are “the documents of the Hungarian Socialist Workers’ Party and its predecessors, other left-wing political and social organizations as well as trade unions.” The Institute’s director said the state should reimburse the Institute for the “hundreds of million forints it cost to store the documents and make them accessible to researchers” over the past years.

<http://www.politics.hu/20140612/pre-1989-communist-documents-to-be-transferred-to-national-archives/>

Iraq. Reuters headlined, “Prisoner deaths indicate mass executions by Iraqi police.” A policeman interviewed at Hilla, where 69 prisoners were killed, said, “First thing we do is to shoot them in foot and then take their confessions. Then we kill them and write in report they were killed in action.” So the police are keeping records, just not accurate accounts. [http://www.huffingtonpost.com/2014/06/27/iraq-prisoner-mass-executions\\_n\\_5536398.html](http://www.huffingtonpost.com/2014/06/27/iraq-prisoner-mass-executions_n_5536398.html)

The International Committee of the Blue Shield issued a statement urging “all armed combatants” in Iraq to protect cultural heritage and, “concerned that archaeological and cultural objects may be removed from museums, libraries, archives, and archaeological sites and placed on the illegal international art market,” implored “auction houses and other art outlets to ensure that no illegally exported material is sold.” <http://www.blueshield-international.org/cms/en/press-room>

Ireland. Nearly 800 children, mainly babies, died at St. Mary’s Mother and Baby Home in Tuam between 1925 and 1961 when the home closed. Death certificates exist, but only one burial record has been located. Since the story of the missing burial records broke in late May, speculation of mass and undocumented burials consumed the media. In a statement, the Sisters of Bon Secours, which operated the home, said that when the home closed “all records were returned to the local authority,” reported *independent.ie*. <http://www.independent.ie/irish-news/tuam-babies-bon-secours-sisters-deeply-saddened-30332506.html> But an historian at Queen’s University Belfast, in a piece for the *Irish Examiner*, wrote, “Throughout the twentieth-century up to 70% of unmarried mothers institutionalized by the State found their way into county homes” and the rest into homes run by religious authorities, so the scope of an inquiry into events at the homes has to be broader than just those homes run by religious institutions. The archives of the homes “are scattered across the country in local repositories in county archives and libraries,” he wrote, while the records of the central government body responsible for all local authorities (which should also have important records on the homes) are either dispersed into successor agencies or are in the National Archives. <http://www.irishexaminer.com/ireland/state-archives-may-hold-key-to-mother-and-baby-homes-271271.html>

Following the storm of publicity on the missing burial records, Ireland’s Department of Health withdrew 12 files from the National Archives, reported *TheJournal.ie*. The Department had withdrawn other relevant files eight years ago “as part of an indexing project” to “create a comprehensive archive of historical childcare records and to enable efficient release of papers” when requests are received. The Department is retaining “files that contain personal information” but will return the remainder to the National Archives. Why the Archives will not regain the records containing personal information was not reported. <http://www.thejournal.ie/departement-of-health-state-files-mother-and-baby-homes-1513682-Jun2014/>

Kosovo. The Kosovo War Crimes Research Institute, which was established by the Kosovo government in 2011 “to collect, process, classify and archive war crimes cases,” is being criticized for lack of progress. *BIRN* reported that Kosovo state institutions “still have no concrete data on wartime crimes.” An estimated 1700 people remain missing from the 1998-1999 Kosovo conflict. [http://www.balkaninsight.com/en/article/kosovo-war-crime-institute-lags-in-work-experts-say?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=3fe0d323d8-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_561b9a25c3-3fe0d323d8-311109073](http://www.balkaninsight.com/en/article/kosovo-war-crime-institute-lags-in-work-experts-say?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=3fe0d323d8-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-3fe0d323d8-311109073)

Libya. Human Rights Watch (HRW) released preliminary findings from its April 2014 investigation into conditions in Libyan migrant and asylum seeker detention centers. HRW researchers conducted interviews with 138 detainees, “almost 100 of whom reported torture and other abuses.” Since March 2013 the Interior Ministry “prohibited organizations regularly working in the [detention] centers from conducting private interviews with detainees” but “some directors and guards” still allowed United Nations High Commissioner for Refugees staff members to carry out interviews. In June 2013 Amnesty International “documented cases of violence by guards in three migrant detention centers.” Together the records of HRW, UNHCR and Amnesty could make a compelling case for assigning responsibility and holding officials accountable. <http://www.hrw.org/news/2014/06/22/libya-whipped-beaten-and-hung-trees>

Montenegro. The Council of Europe’s human rights commissioner issued a report on conditions in Montenegro. He raised concerns about the “inadequate approach to war crimes prosecutions,” *BIRN* reported, and also warned that “a significant number of persons, mostly Roma from Kosovo, still suffer from the lack of regularization of their legal status.” The press release on the report said, “Concerning the

approximately 4000 stateless persons or persons at risk of statelessness, the Commissioner calls on the authorities to help them access civil registration and documentation, and to facilitate the registration of children born outside hospitals.” [http://www.balkaninsight.com/en/article/montenegro-urged-to-end-impunity-for-war-crimes?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=a811f2a27d-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_561b9a25c3-a811f2a27d-311109073](http://www.balkaninsight.com/en/article/montenegro-urged-to-end-impunity-for-war-crimes?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=a811f2a27d-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-a811f2a27d-311109073)

For the press release and link to the report, see [http://www.coe.int/en/web/commissioner/-/montenegro-overcoming-wartime-legacy-and-strengthening-media-freedoms-remain-priorities?redirect=http://www.coe.int/en/web/commissioner/home;jsessionid%3D62BD7797736FD9C286285ED09BD3EE82%3Fp\\_p\\_id%3D101\\_INSTANCE\\_8EfTAcFqd2H9%26p\\_p\\_lifecycle%3D0%26p\\_p\\_state%3Dnormal%26p\\_p\\_mode%3Dview%26p\\_p\\_col\\_id%3Dcolumn-1%26p\\_p\\_col\\_count%3D5](http://www.coe.int/en/web/commissioner/-/montenegro-overcoming-wartime-legacy-and-strengthening-media-freedoms-remain-priorities?redirect=http://www.coe.int/en/web/commissioner/home;jsessionid%3D62BD7797736FD9C286285ED09BD3EE82%3Fp_p_id%3D101_INSTANCE_8EfTAcFqd2H9%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_count%3D5)

Myanmar. The Bangkok-based nongovernmental organization Fortify Rights issued a report on the torture of people from the Kachin ethnic group by Myanmar’s army, police and military intelligence service, *CNN* reported. The rights group “gathered testimony from 78 survivors and witnesses relating to the alleged torture of more than 60 victims.” It believes the actions constitute war crimes. <http://www.cnn.com/2014/06/10/world/asia/myanmar-kachin-torture-report/>; for the report see <http://www.fortifyrights.org/>

Russia. The Chechen film “Ordered to Forget” about the massacre of 700 people by Stalin’s officials in the Chechen village of Haybakh in February 1944 was to be premiered in Grozny, the capital of Chechnya, in May. However, Russia’s Ministry of Culture “refused to certify the film for public distribution on the grounds that, since the archives of the People’s Commissariat for Internal Affairs (NKVD, the forerunner of the present-day Interior Ministry) contain no evidence that the atrocity ever took place, the film constitutes ‘a falsification of history’ that could give rise to interethnic hatred,” the Chechen producer told *Radio Free Europe/Radio Liberty*. The film was, however, screened at the Moscow International Film Festival. <http://www.rferl.org/content/caucasus-report-banned-chechen-movie-haybakh/25432647.html>

Serbia. The Interior Minister was accused of plagiarizing parts of his doctoral dissertation at Megatrend University; he denied the allegations; his academic advisor backed him up. Now it turns out that the adviser, who was the rector of Megatrend, falsely claimed that he had a degree from the London School of Economics. The rector resigned, and the Ministry of Education “is pushing for authority to check the authenticity of future government officials’ claimed academic credentials,” *Transitions Online* reported, quoting *Balkan Insight* that “in 2012, the Education Ministry found that of 2,000 diplomas issued by Serbian universities, about 10 percent of them were forgeries.” <http://www.tol.org/client/article/24363-russia-mounts-massive-military-exercises-montenegrin-court-suspendstabloid-for-tarring-activist.html#3>

*International Justice Tribune*, in an article assessing the first ten years of the Belgrade war crimes court, questioned the lack of “top military and police officials in the dock.” The deputy prosecutor told the reporter there were several reasons for that: the International Criminal Tribunal for the former Yugoslavia went after “the bigger fish, leaving only smaller ones for Serbia. In addition, much evidence was destroyed or concealed by military and police officials implicated in war crimes, many of whom are still working in official posts.” <http://www.justicetribune.com/>

Slovenia. Slovenes went to the polls on June 8 in a referendum on changes to the rules governing access to government archives created before May 17, 1990. The changes, which narrow the definition of sensitive personal data that can be withheld, were opposed by two-thirds of the voters, but because fewer than 12% of eligible voters voted, the “rejection threshold was not reached and the law not repealed,” reported *sta.si*. Thanks to Hana Habjan for helping explain the legal situation. <http://www.sta.si/en/vest.php?s=a&id=2018531>

Syria. Using satellite imagery, a team from the American Association for the Advancement of Science Geospatial Technologies and Human Rights Project confirmed “substantial damage” to several medical facilities in the Syrian cities of Aleppo and Damascus. <http://www.aaas.org/sites/default/files/AAAS-Syria-Hospitals-5152014.pdf>

Human Rights Watch released a report, “Under Kurdish Rule: Abuses in PYD-Run Enclaves of Syria,” based on interviews conducted by HRW researchers. Given the difficult conditions in northern Syria, these interviews are exceptionally important documents. <http://www.hrw.org/news/2014/06/18/syria-abuses-kurdish-run-enclaves>

Tunisia. Sihem Ben Sedrine was appointed president of the Truth and Dignity Commission. Reporting the appointment, the *International Justice Tribune* noted, “Since [former president] Ben Ali fled, Ben Sedrine has fought for access to the archives of the former regime.”

[http://justicetribune.com/article/?tx\\_ijtarticles\\_homecarousel%5Barticle%5D=539&tx\\_ijtarticles\\_homecarousel%5Baction%5D=show&tx\\_ijtarticles\\_homecarousel%5Bcontroller%5D=Article&cHash=b12aaf67d7c2992625b204b3cbdfa8bf](http://justicetribune.com/article/?tx_ijtarticles_homecarousel%5Barticle%5D=539&tx_ijtarticles_homecarousel%5Baction%5D=show&tx_ijtarticles_homecarousel%5Bcontroller%5D=Article&cHash=b12aaf67d7c2992625b204b3cbdfa8bf)

Turkey. Turkey’s Constitutional Court overturned the conviction of 237 retired and serving military officers who had been accused of plotting a coup to bring down the government in 2003. The case began when a journalist obtained “a suitcase containing 6000 confidential documents somehow taken from the 1<sup>st</sup> Army Command,” *Al-Monitor* reported. Three CDs among the items in the suitcase “formed the backbone of the prosecution’s case, and the defense teams challenged their authenticity” claiming the documents on them were forged. The Constitutional Court said it “found discrepancies in the assessment of the local court in analyzing the CDs, hard discs and similar materials as evidence. We determine those discrepancies as a violation of rights.”

[http://www.al-monitor.com/pulse/originals/2014/06/daloglu-turkish-military-officers-ruling-sledgehammer.html?utm\\_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm\\_campaign=be8641b2ec-June+23+2014&utm\\_medium=email&utm\\_term=0\\_28264b27a0-be8641b2ec-93088897](http://www.al-monitor.com/pulse/originals/2014/06/daloglu-turkish-military-officers-ruling-sledgehammer.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=be8641b2ec-June+23+2014&utm_medium=email&utm_term=0_28264b27a0-be8641b2ec-93088897)

United Kingdom. According to *The Independent*, “Britain’s probation service is in chaos after a series of crippling computer failures over the past three weeks, with thousands of offenders’ case files lost, frozen or wiped.” Following an upgrade of the computer system at the beginning of June, “Offenders have been turned away from community service, evidence has not been available for court hearings, and new offences have not been added to case files.”

<http://www.independent.co.uk/news/uk/home-news/probation-service-in-chaos-as-systems-wipe-offenders-data-9554444.html>

The ambulance service for Berkshire, Buckinghamshire, Hampshire and Oxfordshire published the personal details of over 2800 staff members, including their age, sex and religious preference, while the local council in Basingstoke and Dean replied to a Freedom of Information request that asked how many people were claiming benefit and living in private accommodation by releasing a spreadsheet with the personal details of all 1900 claimants, including their dates of birth and national insurance numbers, *infosecurity* reported. <http://www.infosecurity-magazine.com/view/38696/thousands-of-personal-details-exposed-in-latest-uk-data-breach-blunders/>

United Kingdom/Northern Ireland. In October 1974 a bomb went off in a pub in the town of Guildford, southwest of London, killing five people and injuring 65. The Provisional Irish Republican Army was blamed, and three men and a woman were arrested and convicted. Their convictions were overturned in 1989. One of the four, Gerry Conlon, died in June. A Member of the House of Commons asked during the Prime Minister’s Questions period, “Notwithstanding the egregious 75 year seal that has been put on the Guildford and other papers, Gerry was recently promised access to the archives at Kew and that people could accompany him. It was his dying wish that that would be honoured through the people he wanted to accompany him. Will you ensure that the dying wish of an innocent man is honoured?” The Prime Minister replied, reported the *Irish Examiner*, that he would be “very happy to look at the specific request about the records at Kew.” <http://www.irishexaminer.com/breakingnews/ireland/cameron-to-look-at-conlons-archive-request-634473.html>

The Ulster Volunteer Force based at a farm at Glenanne, County Armagh, was accused of carrying out 120 murders on both sides of the Irish border during the early 1970s, including a car bomb that exploded outside a pub in Dundalk on 19 December 1975. The nongovernmental organization Justice for the Forgotten sent complaints to the police ombudsman for Northern Ireland “claiming that the RUC [Royal Ulster Constabulary] did not carry out a proper investigation and also that some RUC officers were involved ‘in the planning and planting of the bomb’,” reported *BBC News*. The ombudsman announced he will review the original investigations of the “Glenanne series” of attacks, beginning “in the latter stages of 2014.” Police records will be crucial sources. <http://www.bbc.com/news/uk-northern-ireland-27759244>

The police ombudsman has asked for “a Judicial Review which seeks to compel the PSNI [Police Service of Northern Ireland] to provide the Police Ombudsman with information he requires to allow him to carry out his functions.” The ombudsman’s office told *The Detail* “that despite repeated requests over past



months, the PSNI has on more than 100 occasions “either refused to provide information to the office or had said that it must first explain and justify why the material is wanted.” The ombudsman is investigating the circumstances of “more than 60 deaths” in both “recent and historic cases.” This follows a May 2014 letter from the Senior Coroner in Northern Ireland to the Justice Minister saying that “inquests into the IRA [Irish Republican Army] killing of three policemen and subsequent RUC shooting of six men in Co Armagh in 1982 are being ‘funded on a drip feed basis’” and that “PSNI’s attitude to disclosing sensitive material to inquest” was driving up costs. <http://www.thedetail.tv/issues/333/ombudsman-legal-action/police-ombudsman-takes-legal-action-against-psni>; for the Coroner’s letter, see link from <http://www.thedetail.tv/issues/318/coroner-attacks-nio-doj/coroner-launches-unprecedented-attack-over-delays-in-shoot-to-kill-inquests>

United Kingdom/Scotland. In 2007, Tom Shaw, a former chief inspector of education in Northern Ireland, produced a report, “Historical Abuse Systematic Review: Residential Schools and Children’s Homes in Scotland 1950 to 1995.” He found that records were poorly managed in almost all those institutions and their successors. He made a special report on records (Appendix 3) and made a series of recommendations on improving records management (Appendix 4). According to *The Scotsman*, “Since then little progress has been made, making it difficult for survivors of abuse to get accountability.” Members of the Scottish Parliament are now calling “for the destruction of records to be re-examined as a part of a public inquiry.” <http://www.scotsman.com/news/child-abuse-victims-demand-destroyed-files-probe-1-3429217>; for the 2007 report, see <http://www.scotland.gov.uk/Publications/2007/11/20104729/22>

United States. The May issue of *HRWG News* carried an item about the lawsuit over force feeding of Abu Wa’el Dhiab, a prisoner at the U.S. military base in Guantanamo, Cuba. In June the lawyers for Dhiab gained access to videos of the removal of Dhiab from his cell and his force feeding. Sixteen news organizations now have asked the court to unseal the video evidence. <http://www.miamiherald.com/2014/06/14/4178211/videos-open-window-on-guantanamo.html>; for the motion filed with the court by the news organizations, see [http://www.reprive.org/uploads/2/6/3/3/26338131/gtmo\\_force\\_feeding\\_press\\_applicants\\_motion\\_to\\_intervene\\_and\\_unseal\\_videta\\_pe\\_evidence\\_points\\_and\\_authorities\\_june\\_20\\_2014.pdf](http://www.reprive.org/uploads/2/6/3/3/26338131/gtmo_force_feeding_press_applicants_motion_to_intervene_and_unseal_videta_pe_evidence_points_and_authorities_june_20_2014.pdf)

In September 2011 a U.S. drone strike in Yemen killed two U.S. citizens. The American Civil Liberties Union and the *New York Times* sued to obtain a copy of the memorandum written by the U.S. Department of Justice before the strike saying that it would be lawful to kill an U.S. citizen living abroad without trial if he was “engaged in continual planning and direction of attacks” on U.S. citizens. A U.S. appeals court decided in April to release part of the memorandum, but then the Obama administration wrote a “white paper” for Congress describing the legal analysis that was in the memorandum and that “white paper” was leaked to *NBC News*. The appeals court then revisited the question, and the judge decided, “The substantial overlap in the legal analyses in the two documents fully establishes that the government may no longer validly claim that the legal analysis in the memorandum is a secret” and released large portions of the memorandum that had previously been withheld. In the past the fact that a document is already public through an unofficial release has not been a successful argument when trying to get the government to officially release the item, but this decision may help future efforts. The decision and the redacted memorandum are found at [https://www.aclu.org/files/assets/2014-06-23\\_ca2-revised-opinion-plus-drone-memo.pdf](https://www.aclu.org/files/assets/2014-06-23_ca2-revised-opinion-plus-drone-memo.pdf)

Another U.S. appeals court decided that the government must not indefinitely hold computer files that were seized under a valid search warrant but were found not to have information relevant to the case for which the search warrant was issued. The court did not say “exactly when the government has to destroy, delete, or return its copy of the non-responsive files,” a *Washington Post* blogger wrote, but it does have a duty to do so. <http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/06/18/court-adopts-a-fourth-amendment-right-to-the-deletion-of-non-responsive-computer-files/>

Accenture, a management consulting company, released the results of a survey of 2,000 U.S. consumers that found 51% of people with chronic health problems “believe the benefits of being able to access medical information through electronic medical records outweigh the perceived risk of privacy invasion;” moreover, these persons “are more concerned about the privacy of shopping and banking transactions than healthcare information.” <http://www.accenture.com/SiteCollectionDocuments/PDF/Accenture-Consumers-with-Chronic-Conditions-Electronic-Medical-Records.pdf>

The scandal over medical treatment at U.S. veterans' hospitals continued in June (for background, see *HRWG News* 2014-05). The *New York Times* obtained internal documents from the military hospitals that “depict a system in which scrutiny is sporadic and avoidable errors are chronic . . . [and] records indicate that the mandated safety investigations often go undone.” <http://www.nytimes.com/2014/06/29/us/in-military-care-a-pattern-of-errors-but-not-scrutiny.html? r=0>

United States/Indiana. Parkview Health System paid \$800,000 as a penalty for leaving 71 boxes of paper medical records in the driveway of a physician's home in 2009. The health system also is required to develop a “corrective action plan” for training its workforce in handling electronic and paper records containing protected health information, reported *GovInfoSecurity*. <http://www.govinfosecurity.com/800000-penalty-for-paper-records-breach-a-6982>

United States/Maine. The Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission is gathering testimony from tribal families and welfare workers on the history of the “trauma suffered by members of the Wabanaki tribes who were taken from their families by the state and put into foster care or boarding schools over the course of more than a century.” The *Bangor Daily News* reported that as of the beginning of June the Commission has acquired “about forty testimonies from members of the Wabanaki tribes” that “are recorded on an iPad and archived with the participant's permission.” The Commission also hopes to take testimonies “from foster and adoptive families, Department of Health and Human Services personnel, individuals who provide counseling, lawyers and police officers.” The entire budget of the Commission comes “from fundraising efforts.” <http://bangordailynews.com/2014/06/02/news/state/panelists-talk-with-maine-tribes-about-trauma-of-foster-care-separation-from-families/>

United States/Missouri. The Moberly city council approved the destruction of police records that had already been destroyed. Among the records destroyed were, reported the *Moberly Monitor-Index*, “racial profile sheets from 2006-2008 [and] racial profile electronic documents from 2009-2011.” <http://www.moberlymonitor.com/article/20140624/NEWS/140629418/1994/NEWS>

United States/New York. “No law in New York State explicitly guarantees lifelong anonymity to biological parents” who have given a child up for adoption, the *New York Times* reported, but laws dating to the 1930s deny all adoptees access to their original birth certificates. An effort this spring to change the law failed; a woman who was adopted in New York told the *Times*, “My original birth certificate sits in a building in New York City, and I'm not entitled to it. . . I have a big issue with the fact that, as a group, we're kept by law from accessing our own records.” <http://www.nytimes.com/2014/06/16/nyregion/adopted-children-fight-for-access-to-birth-certificates.html? r=0>

United States/Pennsylvania. A doctor who was retiring cleaned out his office and took his medical files--weighing about 7 tons--to county dumpsters. A man found “medical records containing personal information” on the ground at the dumpster site and gave them to the local newspaper which gave them to the state government, which is now investigating the incident. <http://insurancenewsnet.com/oarticle/2014/06/20/manager-dumpsters-where-medical-records-were-found-arent-private-place-a-520590.html#.U6dDMqCwa1c>

United States/Texas. Twenty prisoners, including “four suspects arrested on felony family violence charges” were released prematurely by the Dallas police “due to glitches” with the new records management software that is to be used “to take reports and keep an electronic archive of all case files,” reported the *Dallas Morning News*. <http://www.dallasnews.com/news/crime/headlines/20140629-after-defending-records-management-problems-police-blast-three-day-filing-policy.ece>

Venezuela. Human Rights Watch (HRW) sent a letter to the foreign ministers of Argentina, Brazil, Chile, Colombia, Ecuador, Peru and Uruguay, alerting them to the findings of HRW's report on Venezuela, “Punished for Protesting: Rights Violations in Venezuela's Streets, Detention Centers, and Justice System.” In addition to conducting “more than 90 interviews with victims, the doctors who attended them, eyewitnesses, journalists, and human rights defenders” HRW used “judicial documents, medical reports, photographs, video footage and other relevant evidence” to document 45 cases of abuse involving more than 150 victims. HRW concluded that “these human rights violations were part of a systematic practice by Venezuelan security forces” and urged the foreign ministers, all of whose countries are members of the

Union of South American Nations (as is Venezuela), to “press the Venezuelan authorities to immediately address the very serious human rights problems that the country is facing.” For the letter, see <http://www.hrw.org/node/126849>; for the report [http://www.hrw.org/sites/default/files/reports/venezuela0514\\_ForUpload\\_0.pdf](http://www.hrw.org/sites/default/files/reports/venezuela0514_ForUpload_0.pdf)

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