

Written and compiled by Trudy Huskamp Peterson, Chair, HRWG

Commentary.

Persecution, privacy and prosecution are linked by more than the alphabet. Nongovernmental human rights groups rely heavily on interviews for their reports; although they try to get official records, government data and statements from leaders, these attempts usually fall short and interviews are the only way to learn what happened. United Nations investigating bodies, such as the Joint Human Rights Office in the Democratic Republic of the Congo (see below), also rely heavily on interviews, often for the same reasons. These groups promise confidentiality to the persons interviewed, particularly if the person has a well-founded fear of persecution. For example, Amnesty International published a report in October on the Ethiopian government's persecution of the Oromos people, the largest ethnic group in the country. It was based on over 240 interviews, all conducted outside Ethiopia because Amnesty is barred from entering the country. In the "Methodology" section of its report, Amnesty wrote, "Many interviewees feared repercussions if their names were revealed, particularly those who still have family members in Ethiopia. For this reason the names of all interviewees have been withheld. In some cases, the location of interviewees has also been withheld to avoid endangering them. In some cases, the location in which the events described took place has also been withheld for the same reason." In addition to the fear of persecution, information gathered by the investigators may have significant privacy issues, particularly if the interviewee talks about sexual or medical matters.

But what if, after these reports expose serious crimes, there is an effort to prosecute the wrong-doers? Can the reports and the interviews on which they are based be used by the prosecutor? This is a problem.

Take the case of Laurent Gbagbo, the former president of Cote d'Ivoire, on trial at the International Criminal Court on four counts of crimes against humanity. He was arrested and transferred to the Court in late 2011, and in February 2013 the Court held a "confirmation of charges hearing" on his case. The ICC Prosecutor used reports of nongovernmental organizations as part of the evidence supporting the charges against Gbagbo. In June the Court postponed its decision, asking the Prosecutor to present more evidence, writing, "[A]lthough there is no general rule against hearsay evidence before this Court, it goes without saying that hearsay statements in the Prosecutor's documentary evidence will usually have less probative value. Reliance upon such evidence should thus be avoided wherever possible. . . . Heavy reliance upon anonymous hearsay, as is often the basis of information contained in reports of nongovernmental organizations ('NGO reports') and press articles, is problematic for the following reasons. Proving allegations solely through anonymous hearsay puts the Defence in a difficult position because it is not able to investigate and challenge the trustworthiness of the source(s) of the information . . . it is highly problematic when the Chamber itself does not know the source of the information and is deprived of vital information about the source of the evidence. In such cases, the Chamber is unable to assess the trustworthiness of the source, making it all but impossible to determine what probative value to attribute to the information." After the Prosecutor submitted additional information, the Court did confirm the charges. The resubmission referred to Amnesty International and Human Rights Watch reports, but only in scattered references, with witness statements making up most of the evidence.

Why not use the interviews themselves? The answer is that the group conducting the interviews gave promises of confidentiality, and if those are not kept, it will make it difficult if not impossible for the group to continue its investigative work. Their reputation as trustworthy is vital. One option would be for the prosecutor to ask the group to secure the permission of the person interviewed to share the information; that is a burden that the group might not be willing to accept. Alternatively, the group could provide

information to the prosecutor to be used for background only, allowing the prosecutor to decide whether the information a person provided is so vital to the case that an effort should be made by the prosecutor's staff to find the person and re-interview him or her and use the later interview as evidence.

But if groups cannot allow the raw interviews to be used for prosecution, will the groups preserve them? They should, not only because the interviews provide the background to the published report but also because they could be used later by the group to try to determine what happened to the people interviewed during the crisis. And, of course, they provide an incomparable record of what happened.

That leads us to the final question: when will scholars have access to the raw interviews? This is a matter of timing. We would all agree that records of interviews with people who were subjected to human rights violations by, say, Napoleon's forces could be made available today. We would probably be willing to open such records from World War I, as both perpetrators and victims are likely to be dead (see the Ireland entry below for an example of opening similar records from the early part of the 20th century). But if we want human rights investigations to continue (and we do) and if there is a need to promise confidentiality to get information (and there often is), then we need to recognize that future access will be sure but not swift. Anything else risks jeopardizing lives, the possibility of future investigations, and prosecutions.

<http://www.icc-cpi.int/iccdocs/doc/doc1599831.pdf>; <http://www.icc-cpi.int/iccdocs/doc/doc1783399.pdf>;

<http://www.amnesty.org/en/library/asset/AFR25/006/2014/en/539616af-0dc6-43dd-8a4f-34e77ffb461c/af250062014en.pdf>.

News of the Human Rights Working Group. The Human Rights Working Group met on 12 October during the International Council on Archives meeting in Girona, Spain, and discussed: (1) the comments received so far on the draft "Basic Principles on the Role of Archivists in Support of Human Rights" and agreed to the changes proposed by commenters; (2) the draft standard agreement on copying archives and exporting copies and decided on additional revisions, the need for an explanatory preface, and to circulate it to the ICA sections on literary manuscripts, college and university archives, and professional associations for their comments; (3) the possibility of holding a session with the business archives section on human rights issues; and (4) a position paper on the ethics of "safe haven" projects.

International news.

International Criminal Tribunal for the Former Yugoslavia. Radovan Karadzic, the former Bosnian Serb president now on trial at the International Criminal Tribunal for the Former Yugoslavia, filed a motion to request the admission of a 1996 British diplomatic cable and asked that the U.S. provide him with a 1992 diplomatic cable that he says could help convince the court that he "was not part of any joint criminal enterprise to destroy Bosnian Muslims as a group or to expel them," *BIRN* reported.

http://www.balkaninsight.com/en/article/karadzic-demands-reopening-defence-case?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=5e6d528e66-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-5e6d528e66-311109073

United Nations High Commissioner for Human Rights. The UN High Commissioner for Human Rights published a report of the investigations by the United Nations Joint Human Rights Office in the Democratic Republic of the Congo. Based on interviews with "more than 160 victims and witnesses of human rights violations committed by the M23" (Mouvement du 23 mars), the Office concluded that between April 2012 and November 2013 "serious violations of human rights and of international humanitarian law" were committed by members of M23 in North Kivu province. The High Commissioner also published a report, based on more than 70 testimonies, detailing the "grave violations of human rights," including summary executions and forced disappearances, committed by Congo's national police forces between 15 November 2013 and 15 February 2014 as part of "Operation Likofi," which was an operation to track down criminal or criminal groups "responsible for serious crimes (in particular murders and rapes) often committed at knifepoint." According to police sources, "some of the crimes had reportedly been recorded on a criminal file which helped police agents to track down such bandits." The records of both of these investigations will be important background for prosecutors to use to hold perpetrators accountable.

http://www.ohchr.org/Documents/Countries/CD/UNJHROctober2014_en.pdf ;
http://reliefweb.int/sites/reliefweb.int/files/resources/LikofiReportOctober2014_en.pdf

UNICEF. UNICEF published “Innocenti Report Card 12: Children of the Recession,” which says that 2.6 million children “have sunk below the poverty line in the world’s most affluent countries since 2008, bringing the total number of children in the developed world living in poverty to an estimated 76.5 million.” Data for the report came from the European Union Labour Force Survey, the Organization for Economic Cooperation and Development, the CASEN survey from Chile, and the Gallop World Poll.
<http://www.unicef-irc.org/>

World/general news.

Malaysia Airlines MH 17. Germany’s foreign intelligence agency told members of the Bundestag (German parliament) that “satellite images and diverse photo evidence” show that Malaysian Airlines Flight MH17 was brought down in July over eastern Ukraine “by a missile fired by pro-Russian separatists near Donetsk,” reported *Spiegel Online*. The agency called its findings “unambiguous.”
<http://www.spiegel.de/international/europe/german-intelligence-blames-pro-russian-separatists-for-mh17-downing-a-997972-druck.html>

Right to be forgotten. Article 19, a nongovernmental human rights group on freedom of information and expression, provided testimony to Google’s new Advisory Council on the balance between the “right to be forgotten” as defined by the European Court of Justice and the right to freedom of expression. In a section on archives, Article 19 wrote, “ARTICLE 19 believes that there should be a strong presumption that the provision of links to information contained in public archives should not be de-listed, unless the data subject can establish substantial harm that outweighs the public interest in direct access to that information, including by searching for their name.” http://www.article19.org/data/files/A19_comments_on_RTBF.pdf

Medical records. “Big data analytics” could help combat the spread of Ebola, scientists told *BBC News*. The U.S. Centers for Disease Control and Prevention (CDC) is “collecting mobile phone mast activity data from mobile operators and mapping where calls to helplines are mostly coming from” and the Esri software company “is helping CDC to visualize this data and overlay other existing sources of data from censuses to build up a richer picture.” For fuller understanding, said the managing director of Accenture Health, additional data sources would need to be mined, such as “health clinic and physician reports, media reports, comments on social media, information from public health workers on the ground, transactional data from retailers and pharmacies, travel ticket purchases, helpline data, as well as geo-spatial tracking.”
<http://www.bbc.com/news/business-29617831>

An “onslaught of digital images and remote medical data” is confronting big hospitals and health care systems, and the *Pittsburgh Post-Gazette* reported on a multi-million dollar partnership between the University of Pittsburgh Medical Center and IBM to “feed and build” a “storage farm” for medical data. The data is compressed for storage and decoded when needed. An IBM official involved in the project said that while for most companies the response time for retrieval of data “isn’t as big of a deal,” but for a medical center “when you’re bringing somebody into the operating room who has been hit by a car, it’s kind of a big deal.” <http://www.post-gazette.com/business/technology/2014/10/05/UPMC-prepares-for-onslaught-of-digital-images-and-remote-medical-data/stories/201410050008>

Business records. More than 14 million cars around the world have been recalled because of faulty airbags manufactured by the Japanese company Takata; at least three people died and thirty have been injured by airbags that ruptured “sending metal shards at people in the car,” reported the *New York Times*. Now the U.S. National Highway Traffic Safety Administration ordered Takata by 1 December to “turn over records regarding the production, testing and subsequent concerns raised internally and by automakers over the airbags, as well as communications between the company and automakers about defect concerns.”
http://www.nytimes.com/2014/10/31/business/supplier-of-defective-airbags-ordered-to-turn-over-its-records.html?_r=0

Hacking and tracking. Around 200,000 private photos sent using the photo messaging service Snapchat were hacked and posted to the public Internet message board *4chan*, reported *The Huffington Post*. http://www.huffingtonpost.com/2014/10/10/snapchat-leak_n_5965590.html

Hackers who broke into the computers of JP Morgan, a financial services and banking firm, compromising the data of 76 million households, “resided” on the computer system for two months before getting caught, reported *The Huffington Post*. Hackers were on the computers of Neiman Marcus and Home Depot retailers for five months and Goodwill, the thrift store, for a year and a half before being caught. http://www.huffingtonpost.com/2014/10/23/jpmorgan-hackers_n_6029266.html

The Guardian reported that “Whisper, the social media app that claims to be ‘the safest place on the internet,’ is tracking the location of its users, including some who have specifically asked not to be followed.” Whisper denied it. <http://www.theguardian.com/media/2014/oct/17/sp-whisper-tracking-location-users-facts-response#.VEEgsFh5aWw.email>

The Washington Post reported that several researchers discovered their personal files, which they thought they controlled, had been migrated to remote cloud servers that Apple controls. The story noted that Microsoft, Google and others are also using cloud services, and that even with encryption software, police “still can gain access to files stored on cloud services.” <http://www.washingtonpost.com/blogs/the-switch/wp/2014/10/30/how-one-mans-private-files-ended-up-on-apples-icloud-without-his-consent/>

Bilateral and multilateral news.

Algeria/France. On the eve of the 60th anniversary of the outbreak of the war against France (1 November 1954), Algeria’s Minister of Mujahideen (independence war veterans), announced that “the National Museum of Mujaheed, coming under the Majahideen Ministry, recorded so far 4,000 hours of testimonies of war veterans who witnessed different stages of the revolution,” the *Algeria Press Service* reported. He also said, “France refuses to hand over the remaining archives to Algeria or lingers to do. She will never hand over the archives that might disturb her,” although Algerian and French archival institutions “have agreed in principle to hand over what remains of the archives to Algeria.” <http://www.aps.dz/en/algeria/4671-history-writing-4,000-hours-of-living-testimonies-recorded>; <http://www.ennaharonline.com/en/news/8484.html>

Argentina/Spain. A judge in Argentina ordered the arrest of 20 former Spanish officials accused of torturing dissidents during Spain’s Franco dictatorship, reported the *New York Times*. Last June the judge gathered “evidence and testimony from some of the roughly 150 plaintiffs” in Spain. The arrest warrant for Jose Utrera Molina, who was a housing minister under Franco and secretary general of Franco’s political party, accuses him of “signing the death sentence” of an anarchist executed in 1974. http://www.nytimes.com/2014/11/02/world/americas/argentine-judge-orders-arrest-of-spanish-ex-officials.html?_r=0

Armenia/Turkey. In another step in the long argument between Armenia and Turkey over the mass killing of Armenians in 1915, the director of Armenia’s national archives told *Mediamax* that “there are enough necessary documents on the Armenian Genocide in the archive to initiate an international court trial against Turkey.” A few days later, the Turkish Minister for European Union Affairs told *TRT Haber* television channel that “Armenia is not ready to open its archives for investigation of the 1915 events,” and added that “Turkey has repeatedly proposed to create an independent commission to investigate the events of 1915.” <http://asbarez.com/128170/national-archive-chief-says-enough-documents-to-bring-turkey-to-court/>; <http://en.trend.az/world/turkey/2327556.html>

The head of the Armenian church in Lebanon announced plans to sue Turkey for property lost and “the restitution of its historical centre, the Catholicate of Sis.” The Armenian government “has indicated it will support the church’s action,” wrote the Institute for War and Peace Reporting. The report did not indicate what archives will be used to document the church property that was lost. <https://iwpr.net/global-voices/armenian-church-seeks-restitution-from-turkey>

Central America/United States. Human Rights Watch (HRW) published a report “based largely on interviews” conducted in Honduras and the United States on the screening and returns of Central

Americans who attempt to enter the United States, plus quantitative analysis of data acquired from the U.S. Custom and Border Protection agency. HRW found that only a tiny number of persons from Guatemala, Honduras, Mexico, Nicaragua and El Salvador are interviewed to determine whether they have a credible or reasonable fear of persecution if they return to their home country (if a noncitizen is found to have a credible fear, he or she may apply to a U.S. immigration court for asylum). <http://www.hrw.org/node/129879>

China/Philippines/Vietnam. *The Economist* published a commentary on the conflicts between the countries around the South China Sea over their respective claims to control their adjacent waters. Noting that both Taiwan and the Philippines opened exhibits in September on their claims in the sea, the magazine commented, “The South China Sea’s littoral states will fight in the museum, in the archives and on the maps.” <http://www.economist.com/news/asia/21621844-south-china-seas-littoral-states-will-fight-museums-archives-and>

Guatemala/Spain. Guatemala is trying a former police official charged with ordering the attacks on the Spanish Embassy in 1980, causing the deaths of 37 people including Spain’s consul, Guatemala’s former vice president and foreign minister, and the father of Nobel Prize winner Rigoberta Menchu. The Spanish ambassador who survived the attack died last April, but Menchu said “his testimony in the case had been documented in order to present it at trial,” reported *Agence france press*. Guatemala’s police archives are important for the case. <http://www.ticotimes.net/2014/09/30/former-guatemalan-police-chief-to-stand-trial-for-1980-spanish-embassy-fire-that-killed-37>

India/Portugal. Nearly 50,000 people living in the Indian state of Goa were born before 1961 when Goa was a colony of Portugal. According to *The Economic Times* (of India), “Many people in Goa have registered their names in the Portuguese birth registry, a facility they were offered by Portugal as citizens of their erstwhile colony, to get access to the European Union in pursuit of better career and economic prospects.” However, the Consul General of Portugal in Goa told reporters, “Those who were born in Goa before 1961 are not Portuguese at all,” adding, “You become the Portuguese citizen when you have an identity card. Passport is just a document that allows you to travel to Portugal. None from Goa born before 1961 . . . becomes Portuguese citizen, unless he applies for it.” http://articles.economictimes.indiatimes.com/2014-10-29/news/55558709_1_dual-citizenship-portuguese-citizen-go-a-government#.VFELs1x0nik.email

Iran/Iraq. The Iran–Iraq war lasted from 1980 until 1988, but even 34 years later it is “rarely . . . examined with the nuance it deserves,” *Al-Monitor* reported. A Tehran-based researcher said, “There is a red line preventing neutral historians and independent analysts from conducting research on this subject or commenting on it,” adding, “The narrative of this war has to be reclaimed from the government-sanctioned historians, former commanders and members of one political faction. People need to know what happened. Why did the war last as long as it did? Why so many casualties? What was happening on the front during the last months of the war?” Opening the archives of the war in both countries would be an important start. http://www.al-monitor.com/pulse/originals/2014/10/iran-iraq-war-saddam-hussein-irgc.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=61068533d7-October_7_2014&utm_medium=email&utm_term=0_28264b27a0-61068533d7-93088897#

Libya/United Kingdom/United States. The United Kingdom Court of Appeal ruled that the claim by a Libyan husband and wife against “various branches of the UK government, a former UK foreign secretary, and a senior intelligence officer over their alleged involvement in the couple’s 2004 rendition to Libya, where they were imprisoned and tortured,” could be tried. A lower court had refused to hear the claim, on the grounds that the case would damage the UK’s relationship with the United States. Human Rights Watch found documents in 2011 in Tripoli that described “US offers to transfer, or render, at least four detainees from US to Libyan custody, one with the active participation of the UK.” <http://www.hrw.org/new/2014/10/31/dispatches-rare-victory-justice>; <http://www.hrw.org/news/2011/09/08/usuk-documents-reveal-libya-rendition-details>

Thailand/United States. On 6 October 1976 between 50 and 100 student protesters at Thammasat University in Bangkok were tortured and killed, hundreds more injured, and thousands arrested. The U.S. National Archives and Records Administration opened more than 75 declassified records about the event, and the U.S. nongovernmental organization the National Security Archive commented, “In the void [of open archives on the events] left by the Thai government, the U.S. government’s continuing disclosure of

information about the massacre is essential for the historical record. For a complete picture, however, the Thai government must open its own archives on the massacre.”

<http://nsarchive.wordpress.com/2014/10/10/declassified-u-s-documents-help-fill-void-left-by-thailands-silence-on-38th-anniversary-of-thammasat-university-massacre/>

National news.

Bosnia. *BIRN*, reporting on the estimated 9000 still missing persons in Bosnia and the lack of compensation for survivors, highlighted the case of a widow who lost six sons and a husband in the Balkan wars of the 1990s. Earlier in 2014 Republika Srpska authorities decided that “to gain the status of a civilian victim of war, which would entitle her to benefits, she must prove exactly how her sons were killed.” Although she lives near Bosnia’s largest known mass grave at Tomasica, the ICTY investigated the crimes committed in the locality (and their records would include that evidence), and the diary of Bosnian Serb military leader Ratko Mladic mentioned Tomasica “as a site where bodies were dumped to cover up” the violence in the area, it is next to impossible for the woman to meet the stringent documentary evidence requirement. http://www.balkaninsight.com/en/article/bosnia-s-search-for-bones-and-truth?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=eb1ca91294-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-eb1ca91294-311109073

China. The director of the Party History Teaching and Research Department of the Party School told a news conference that only a “small number” of the Communist Party’s historical files are still closed to research, of which “some involve the state’s core interests, and some are not convenient to be released,” adding, “from a historical research it is to be hoped that it would be best if they are all opened. But I fear this cannot happen, and may never happen.” He said that he teaches his students about the 1958-1961 Great Leap Forward (during which an estimated 18 million or more persons died) and that “everyone has reached a consensus that the mistakes of the past will certainly not be repeated today or in the future,” *Reuters* reported. <http://www.reuters.com/article/2014/10/20/us-china-politics-history-idUSKCN0I90R420141020>

China/Hong Kong. The Social Welfare Department and International Social Service (ISS) in Hong Kong told the *Sunday Morning Post* that “almost 3,000 people who were adopted in Hong Kong more than 50 years ago may find it impossible to get official recognition” because during the 20-year period after 1950 “record-keeping was not systematic or even required.” ISS said it assists about 20 adoptees each year who are trying to trace their roots. A private social services organization, Po Leung Kuk, has some records of orphans it took in and placed, but two other children’s homes from the periods “have closed and their archives have been scattered.” <http://www.scmp.com/news/hong-kong/article/1614696/adoptees-1950s-1960s-run-against-scanty-record-keeping>

Colombia. Using numbers supplied by the Prosecutor General’s office, *Colombia Reports* determined that more than 400 “state agents” (members of the armed forces) have been accused of extrajudicial killings during the year ending 31 January 2014. <http://colombiareports.co/400-more-state-agents-implicated-in-false-positives-scandal-within-year/>

Guatemala. A Guatemala court ruled that there was sufficient cause to try two Army officers for sexual slavery and domestic slavery against Quiche women at the military outpost at the community of Sepu Zarco in the 1980s. “Although the Commission on Historical Clarification documented the sexual violence against the women was widely and systematically carried out by agents of the state, this is the first time that the charge has been presented in a court of law specifically for rape and sexual slavery,” reported *cipamericas.org*. The records of the Commission are in the custody of the United Nations Archives and are closed until 2050 and therefore not available to the prosecutors. <http://www.breakingthesilenceblog.com/general/trial-for-sexual-slavery-during-armed-conflict-opens-in-guatemala/>

India. The Social Action Foundation for Equity published a series of letters from the human rights group MASUM to the chairman of the Indian Human Rights Commission, documenting cases in which the police would not register written complaints of trafficking of a minor girl, beating of a minor boy by the Border

Security Force, and the beating of an agricultural laborer by police.

<https://groups.google.com/forum/#!topic/socialactionfoundationforequity/XdXtjsR1PHk>

<https://groups.google.com/forum/#!msg/socialactionfoundationforequity/7863gC3JJNs/lj1MqXi8mbgJ>

https://groups.google.com/forum/#!msg/socialactionfoundationforequity/wGAXmSl3SF0/K3_WpddQerwJ

Inter Press Service news agency reported that records published by India's National Crime Records Bureau (NCRB) show that 92 women are raped every day, and in 3,860 of the 5,337 rape cases reported in the past ten years, "the culprits were either acquitted or discharged by the court for lack of 'proper' evidence." NCRB reported "over 50,000 women were abducted across India in 2013, while over 8,000 were killed in dowry-related crimes. More than 100,000 women faced cruelty at the hands of their husbands or other male relatives, but only 16 percent of those accused were convicted." <http://www.ipsnews.net/2014/09/lack-of-accountability-fuels-gender-based-violence-in-india/>

India/Kashmir. The *Kashmir Reader* reported that the government has issued orders for restoring information from records that were damaged by recent floods, particularly the service records of government employees that are necessary to verify the details of their service and their eligibility for benefits. <http://kashmirreader.com/jk-issues-guidelines-on-records-damaged-by-floods-22723>

Ireland. Ireland released online a "second tranche of records from the military service pensions project" that "cast new light on some of the most controversial issues of the Irish revolution, including the killing of Michael Collins, the incarceration and secret killing and burials of prisoners by the Cork No. 1 Brigade . . . and records concerning republic prisoners deliberately blown up at Ballyseedy in Kerry in 1923," reported an historian writing in the *Irish Independent*. He called for the release of records of the Garda Síochána (police force) that in 1926-1927 "took custody of over 30,000 army intelligence files on republican suspects and organisations." Although this material and "Special Branch records" were reportedly destroyed in 1932, he believes they may still exist and urges the "Garda management to initiate an authoritative, impartial and comprehensive review of the force's archives for surviving documents on the Irish revolution." <http://www.independent.ie/opinion/comment/time-to-let-us-see-the-secret-garda-historical-records-30633800.html>

Kenya. "The Court Registry plays a very central role in the process of delivering justice," wrote *Capital FM News*, but "missing files, inaccurate information, disappearance of key documents from court files and inexplicable delays" are common. Now Kenya has adopted a "Registry Manual, which seeks to streamline registry processes to enhance access to and expeditious delivery of justice."

<http://www.capitalfm.co.ke/eblog/2014/10/27/judiciary-moves-to-eliminate-missing-file-syndrome/>

Macedonia. The controversial state Lustration Commission said that "after reviewing classified police archives," it concluded that "the most prominent historian from Yugoslav-era Macedonia and the country's early independence years" was an informer for the Communist secret police and spied on students on behalf of the Communist regime in the 1950s, *BIRN* reported. The historian denied the charge.

http://www.balkaninsight.com/en/article/macedonia-lustrates-its-leading-historian?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=c78187cced-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-c78187cced-311109073

Myanmar. Myanmar's Foreign Minister told the *Associated Press* that the government "would grant Rohingya Muslims citizenship if they change their ethnicity to suggest Bangladeshi origin" and "will grant appropriate documentation only to those who qualify according to its Citizenship Law"; those who don't will be considered illegal aliens and the government will "work with UNHCR [United Nations High Commissioner for Refugees] to resettle the illegal aliens elsewhere"—in other words, deportation. A Human Rights Watch expert explained to *Deutsche Welle* that Rohingya persons can be citizens if they can prove that their ancestors resided in Myanmar before 1823 and can be considered for "naturalized" citizen status if they can provide "conclusive evidence" that the person or his parents entered and resided in Myanmar prior to its independence in 1948. In either case, documents are crucial and most Rohingyas will not be able to produce them. <http://www.dw.de/hrw-slams-myanmars-rohingya-plan-as-a-blueprint-for-segregation/a-17972391>

The government announced that the ethnic and religious data gathered in this year's census will not be released until after the election in 2016, reported *Myanmar Times*, while the rest of the data will be released in May 2015. "Some observers have suggested the delay is a political rather than administrative decision, as there are concerns that the release of sensitive data could inflame tensions at a politically sensitive time. Of particular concern is the likelihood that the results will show a large increase in the Muslim population from the 1983 census, when it was officially stated as 4 percent." Preservation of the raw census data is a critical archival task. <http://www.mmtimes.com/index.php/national-news/11837-census-ethnicity-religion-data-delayed.html>

New Zealand. The home of an independent investigative journalist was raided by police who "seized a large collection of papers and electronic equipment belonging to my family, including computers, drives, phones, CDs, an IPOD and a camera," said the journalist in a statement. <http://boingboing.net/2014/10/17/new-zealand-police-raided-home.html>

Philippines. The government and the Moro Islamic Liberation Front (MILF) established a three-person Transitional Justice and Reconciliation Commission to "undertake a study and recommend . . . appropriate mechanisms to address legitimate grievances of the Bangsamoro people, correct historical injustices and address human rights violations and marginalization through land dispossession towards healing and reconciliation." The MILF agreed to disarm its 12,000 armed members, and "private armies" in the area are also to disarm. Records, particularly those of land holdings, will be important to the Commission, and it is crucial that the government retain accurate records of the disarmament program. <http://gulftoday.ae/portal/1b2e517a-0b7c-4976-9f00-8c7ecd3899e2.aspx>

Romania. The trial began of a former prison commander accused of aggravated murder in the deaths of at least twelve people during the Communist regime and crimes against humanity of other prisoners, *BIRN* reported. This is the first trial of a Communist-era prison official in Romania. The Romanian Institute for the Investigation of Communist Crimes provided "numerous testimonies" for the prosecutors, reported the *International Justice Tribune*. For background, see *HRWG News* 2013-09. <http://www.balkaninsight.com/en/article/romania-starts-trial-of-ex-communist-gulag-boss>; www.justicetribune.com

Russia. Memorial, the Russian nongovernmental organization that holds extensive materials on Russia's communist past, has been summoned to a Supreme Court hearing on 13 November to rule on whether it will be shut down. The *Washington Post* pointed out, "The group has pressed to open once-secret archives about political prisons and dissidents and to arrange for reparations and services for victims of political persecution." What will happen to the materials if Memorial is closed should be of great concern to everyone. <http://www.courrierinternational.com/article/2014/10/14/sans-l-association-memorial-le-kremlin-pourra-ecrire-son-histoire>; http://www.washingtonpost.com/world/europe/russias-justice-ministry-targets-memorial-a-human-rights-defender/2014/10/13/8d20755a-52e0-11e4-b86d-184ac281388d_story.html

Rwanda. At an event to mark the World Day for Audiovisual Heritage, the Minister for Sports and Culture lamented the loss of historical archives, but then commented, "Even today we are seeing a deliberate effort to destroy the records of the 1994 Genocide against the Tutsi which now gives us the challenge on how to properly archive our audiovisual history. For instance today we have Gacaca documents which we need to store properly." If any reader has additional information on the "deliberate effort to destroy," please forward it to the ICA. <http://allafrica.com/stories/201410300469.html>

Syria. Two teams of investigators financed by Western governments are searching for evidence needed to establish criminal liability in any future war crimes trials, reported the *New York Times*. "Inside Syria, local lawyers and law students have been recruited to scour prisons and government and military offices for papers revealing . . . the structure of command, control and communication." The head of one of the teams said the documentation is extensive: "There are orders coming down, reports going up the chain of command, reports on logistics, on operations. Everything they do is in writing, with the seal of Syria or the Baath Party stamp. Copies are sent around the system: to government departments, to the Baath Party, to no less than four different security and intelligence agencies." As of October, an estimated half million pages have been taken out of Syria and sent to the group's office in Europe where they "are scanned, bar-coded and stored in climate-controlled vaults." The teams have obtained fewer records from the Islamic State, but one set of minutes "instructs Islamic State officials to file daily financial reports, maintain a daily

postal service . . . set up complaint boxes, require written permission to travel,” so records must exist. <http://www.nytimes.com/2014/10/08/world/middleeast/investigators-in-syria-seek-paper-trails-that-could-prove-war-crimes.html?module=Search&mabReward=relbias%3Aw%2C{%22%22%3A%22RI%3A13%22}&r=1>

Ukraine. Ukraine announced that it is “ready to declassify the archives and agents of the KGB, its Communist time predecessor,” reported *ZIK*. The date for declassification was not announced. Under Ukraine’s new lustration law, all Ukrainians over 37 years of age who want to hold official positions will be screened to check their past affiliation with the KGB.

http://zik.ua/en/news/2014/10/18/sbu_to_declassify_archives_and_name_kgb_agents_532883

Ukraine’s Interior Ministry released a video recording in which the leader of the break-away Donetsk People’s Republic apparently tells a correspondent from Russian-government-owned *RTR* television about plans to blame Ukraine’s military for the killing of the International Committee of the Red Cross delegate Laurent DuPasquier, the *Kiev Post* reported. <http://www.kyivpost.com/content/ukraine/authorities-russian-proxies-discuss-framing-ukrainian-military-over-death-of-red-cross-delegate-in-donetsk-video-366956.html>

United Kingdom. The House of Commons public accounts committee issued a report that 29,000 asylum applications dating back to at least 2007 have not been resolved and that officials cannot find 50,000 rejected asylum seekers, due at least in part to “failed IT systems,” reported *The Guardian*.

<http://www.theguardian.com/uk-news/2014/oct/29/britain-immigration-system-in-chaos-report-reveals#.VFDkWmbFcGY.email>

The Church of England is “examining the personnel files of thousands of clergymen and women dating back to the 1950s as part of a wide-ranging investigation into historical allegations of child abuse,” reported *The Guardian*. <http://www.theguardian.com/uk-news/2014/oct/27/justin-welby-1950s-personnel-files-clergy-child-abuse-investigation-confessional-confidentiality>

In Rotherham, the child sex abuse scandal continued when the author of the report “revealing 1,400 young girls were abused in the town over 15 years, said minutes from key meetings have disappeared,” *The Mirror* wrote. For background, see *HRWG News* 2014-08. <http://www.mirror.co.uk/news/uk-news/rotherham-child-sex-abuse-files-4432671>

Declassified, redacted files of MI5, the domestic security service, opened at the National Archives show that prominent intellectuals, including Eric Hobsbawm, Christopher Hill, A.J. P. Taylor, and Iris Murdoch, were placed under surveillance. *The Guardian* reported that five years ago Hobsbawm requested access to his file but his request was denied. <http://www.theguardian.com/world/2014/oct/24/mi5-spied-historians-eric-hobsbawm-christopher-hill-secret-files>

United States. On October 3, a District Court judge in Washington, D.C., ordered the U.S. government to release videotape footage of a Guantanamo hunger striker being taken from his cell and force-fed. After appeals from the U.S. government, she delayed the enforcement of the order. For background see *HRWG News* 2014-05 and 06. http://www.eurasiareview.com/04102014-ground-breaking-ruling-us-judge-gladys-kessler-orders-guantanamo-force-feeding-videos-made-public-oped/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

E-Verify is an internet-based system that compares information an employee gives to an employer with U.S. government records, including passport and visa information, immigration and naturalization records, and Social Security Administration records, to determine whether the person is authorized to work in the United States. The employer is required to make check with E-Verify and retain the E-Verify case number with the employee’s personnel record. Now the U.S. Citizenship and Immigration Service, which operates the E-Verify program, says that on 1 January 2015 it will delete from its system all records that are 10 years or older and will do so every year after that. The Service will give employers the opportunity “in the final quarter of every calendar year starting now, to download for employers’ storage E-Verify records older than 10 years” before the government destroys those records. In other words, the over 10 year old records of authorization to work will be moved from the responsibility of the government to the responsibility of the employer. <http://www.natlawreview.com/article/us-citizenship-and-immigration-services-uscis-to>

[purge-10-year-old-e-verify-records](#)

The *Associated Press*, in a special report, revealed that Social Security benefits are still paid to suspected Nazi war criminals and former SS guards living outside the United States. Using benefits as leverage, the Justice Department persuaded Nazi suspects that if they would leave the U. S. or flee before deportation, they could keep their benefits. The report was based on “investigative case files, court and government records, historical documents, and *AP* research and interviews.” After the two part story was published, members of Congress introduced legislation that would terminate the benefits payments.

<http://bigstory.ap.org/article/eb4a5ff7c40e49bcb310b4ca77694795/expelled-nazis-paid-millions-social-security>;
<http://www.bigstory.ap.org/article/246124d99cbe4db9b7ee8cab52162f2e/brief-profiles-few-ex-nazis-getting-benefits>

United States/Florida. The Department of Corrections, which runs the state prisons, acknowledged that it destroyed emails from 2007 and 2008 during “an attempt to fix a hardware problem,” reported *Tampa Bay Online*. During 2007 the Department was heavily criticized for a mishandled execution and for beating a youth who then died, and received reports of more than 30,000 “incidents” including “complaints against staff, inmate injuries and escape attempts.” In addition, Tampa’s television station *WTSP* reported that “law enforcement officers who act as undercover ‘chatters’ routinely delete emails and other records that Florida law requires them to retain,” including those from controversial sting operations which “target men allegedly looking for children to have sex with online.”

<http://tbo.com/news/politics/corrections-department-loses-2-years-of-emails-in-botched-repair-20141029/>
<http://fcir.org/2014/10/30/state-agency-loses-almost-two-years-worth-of-public-records/>;
<http://www.wtsp.com/story/news/investigations/2014/10/03/law-enforcement-admits-deleting-controversial-sex-sting-records/16642219/>

United States/Louisiana. The state insurance program office is refusing to send records of insurance claims made by state employees to the state archives “because of privacy concerns about sharing personal medical information across agencies.” <http://www.thenewsstar.com/story/news/local/louisiana/2014/10/30/jindal-administration-may-destroyed-insurance-records/18186459/>

United States/Michigan. Thousands of records of the official discharge of persons from the military were damaged by “water, mildew and mold at an off-site storage facility” used by Genesee County, having been “sitting, damaged, without attention since at least 2011,” reported *mlive.com*. The county holds the discharge records as a service to veterans who request it to ensure that the records will be available when the veteran needs them to show he is eligible for certain benefits, including burial at a veterans cemetery. The records have now been restored and moved to the county courthouse; the former storage facility paid the \$36,000 restoration cost. http://www.mlive.com/news/flint/index.ssf/2014/10/county_off_the_hook_for_36000.html

United States/North Carolina. Records of the former gun registration program were destroyed as a local “gun rights advocacy group” demanded, reported *guns.com*. For background, see *HRWG News* 2014-09. <http://www.guns.com/2014/10/07/gun-rights-advocates-see-win-in-destruction-of-firearms-records-video/>

Publications and events. A symposium, “The Human Rights Scholar-Activist or Activist-Scholar?” and the launch of the Professor Kevin Boyle Archive will be held 28 November 2014 at the National University of Ireland, Galway. Kevin Boyle was co-founder of the Irish Centre for Human Rights. For details and to register for the symposium, go to www.conference.ie. Thanks to Margaret Crockett for the information.

The *Journal of Human Rights Practice* is planning a special issue on “Documentation, Human Rights and Transitional Justice.” Abstracts of no more than 400 words should be sent by 1 December 2014 to Grainne Kelly at g.kelly@ulster.ac.uk.

The International HIV/Aids Alliance published *AIDS Today: Tell no lies and claim no easy victories*. It “presents the global state of the civil society response to AIDS.” Thanks to Monica Leonardo for the information.

A new website opened on forced labor, trafficking and slavery: “Over the next 12 months you’ll see dozens of pieces from academics and practitioners on a range of debates. Starting in January, each month

will focus on a distinct theme. We'll begin by examining the common misconceptions of slavery, trafficking, and forced labor as promoted by politicians and across the mainstream media. We'll follow this by looking at how political structures, economic systems, and legal frameworks sustain and entrench human vulnerability in a way that allows such exploitation and domination to flourish in plain sight.”
<https://www.opendemocracy.net/beyondslavery>

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

To subscribe to the Newsletter, enter the required information on the form that you will find on this URL: http://www.unesco.org/archives/hrgnews/hrg3_042010.php

Previous issues of the Newsletter are online at <http://www.ica.org/12315/hrwg-newsletter/list-of-hrwg-newsletters.html> and <http://128.121.10.98/coe/main.jsp?smd=2&nid=569829>