

HRWGOICA

human rights working group
international council on archives
groupe de travail sur les droits de l'homme
conseil international des archives

June 4 is the International Day of Innocent Children Victims of Aggression, June 5 is World Environment Day, June 12 is World Day Against Child Labour, June 20 is World Refugee Day, June 23 is International Widow's Day, and June 26 is International Day in Support of Victims of Torture

News from the ICA Human Rights Working Group

May 2011

Trudy Huskamp Peterson, Chair

The following is number eighteen in a series of brief discussions of the Articles of the Universal Declaration of Human Rights (UDHR) and the archival holdings that relate to them.

Universal Declaration of Human Rights, Article 17. *(1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.*

According to Johannes Morsink, the leading scholar on the drafting of the Universal Declaration of Human Rights, the discussions on Article 17 “were some of the most openly philosophical ones in which the drafters engaged.” (*The Universal Declaration of Human Rights: Origins, Drafting and Intent*, p. 140; all quotations from pp. 139-156). Coming at the onset of the Cold War, the debates over the questions of property were especially fraught. The drafters distinguished three types of property: personal property, including that which is essential for living (such as household furniture, utensils and articles of personal use); real property (land); and profit-making enterprises (the modes and means of production). (People as property was dealt with separately in Article 4.) Essentially, the drafters were trying to linguistically encompass rights to property, whether the person was part of a capitalist, socialist, communist, or mixed economic system. The result was some of the simplest and sparest language in the Declaration. (Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, pp. 139-156).

And yet the right to property, whether land or a work of art, remains one of the most contested issues, both nationally and internationally. See, for example, the items below on World War II, which primarily concern property, as well as land title issues in the item on India. The right of women to own property or control it even if the title to the property is in her name has historically been controversial in many places. In some countries, classes of persons have been barred from owning property. Indigenous peoples fight for property rights in various nations. The recuperation of or fair compensation for property, whether land or personal effects or businesses, features in claims as varied as the compensation to the Uganda Asians

deported by Idi Amin to the question of who owns the Jewish material found in the basement of the police headquarters in Baghdad.

In the years since the passage of the Declaration, the United Nations has repeatedly addressed property issues. The United Nations Conference on Human Settlements (Habitat I), held in Vancouver, Canada, in 1976, explicitly said that human settlement policies and strategies “must be in conformity with the [conference’s] declaration of principles and the Universal Declaration of Human Rights,” thereby incorporating the right to own property.

http://www.unhabitat.org/downloads/docs/924_21239_The_Vancouver_Declaration.pdf The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979, underscored the right of women to inherit and own property and called for rural women’s rights to equal treatment in land.

http://www.unifem.org/gender_issues/women_poverty_economics/land_property_rights.php The right of indigenous peoples in their lands is included in the 2007 United Nations Declaration on the Rights of Indigenous Peoples.

<http://www.un.org/esa/socdev/unpfii/en/drip.html> For an interesting comparative study of both physical property rights and intellectual property rights (the subject of other Articles of the Declaration), see the International Property Rights Index developed by the Property Rights Alliance in partnership with 62 other institutions around the world

<http://propertyrightsalliance.org/international-property-rights-index-a2866>

Archives relating to property are some of the oldest and often best preserved of any records. As Ernst Posner wrote in his magisterial *Archives in the Ancient World*, from ancient Mesopotamia to the present we have land surveys (cadastres), land records that establish legal ownership, and records of tax obligations owing to the ownership of real property. The need to prove ownership of land was a factor in creating royal archives in European states in the Middle Ages, and the core archival principle of provenance derives in part from the need to know with certainty what body had created the record of ownership of property. In modern archives, the records of land registries and notary publics support research to buttress claims of property rights, as do records of inheritance (including birth and marriage registries). Many countries have programs to digitize records of land recordation, giving archivists the need to preserve both paper and electronic records for the same transactions unless the country has accepted the electronic copy as legally valid. Records of courts demonstrate the many quarrels over property, and compensation commissions, a feature of some transitional justice systems, are a key source of information on property of all types. Many non-governmental civil rights and advocacy organizations have records relating to property cases, as do law firms whether doing for fee or pro bono work. And international institutions, particularly the United Nations bodies, have records relating both to the general questions of property rights and to specific cases, such as the records at the United Nations High Commissioner for Refugees on the compensation for the Uganda Asians. Records of possession and records of dispossession are at the heart of archives.

General.

United Nations High Commissioner for Human Rights. The Report of the Office of the United Nations High Commissioner for Human Rights on the seminar on experiences of archives as a means to guarantee the right to the truth is now public. It is part of the High Commissioner’s report to the 17th session of the Human Rights Council, meeting 30 May

through 17 June 2011. The link to the report on the OHCHR website is <http://www2.ohchr.org/english/bodies/hrcouncil/17session/reports.htm>

Memory of the World. UNESCO's Memory of the World Register added 45 new entries, including an unusually large number that are archives important for human rights. New entries include the records of the "Network of information and counter information of the military regime" from Brazil, the records of the construction and fall of the Berlin Wall and the Two-Plus-Four-Treaty of 1990 from Germany, the Republic of Korea's archives for the "May 18th Democratic Uprising against Military Regime, in Gwangju," and the registry of slaves of Bermuda, 1821-1834, from Saint Kitts and Nevis.

http://portal.unesco.org/ci/en/ev.php-URL_ID=31401&URL_DO=DO_TOPIC&URL_SECTION=201.html

World War II. An unusually large number of World War II and Holocaust-related stories made the news in May in the days around Holocaust Remembrance Day. On May 2, the Jewish Joint Distribution Center, a humanitarian assistance organization, opened a website with a database of more than 500,000 names and photos from 14 countries where JDC operated during and after the war. The photos and information come from the JDC archives in New York and Jerusalem. <http://www.jdc.org/templates/media-center-template.aspx?id=5099>

Another database, this one of more than half a million pieces of property lost by Holocaust victims, was opened by the Holocaust Era Asset Restitution Taskforce (Project HEART). The list was, reported the *New York Times*, "compiled from hundreds of European archives, including tax records and voter registries."

http://www.nytimes.com/2011/05/03/world/middleeast/03holocaust.html?_r=1

Polish politicians are reported to be wary of the Project HEART initiative, which the Jewish-American publication *The Forward* said will be charged with securing compensation from Eastern European countries. Poland, which was home to the largest European Jewish population before the war, could be faced with a major compensation burden.

http://www.tol.org/client/article/22391-taskforcing-warsaws-hand.html?utm_source=TOL+mailing+list&utm_campaign=22eb8659d7-TOL_newsletter5_12_2011&utm_medium=email

Also in May, the national archives of the United States, United Kingdom and Germany and the Commission for Looted Art in Europe launched a single web portal through which to gain access to records relating to Nazi-era cultural property.

<http://www.guardian.co.uk/world/2011/may/05/archive-artworks-stolen-nazis-online?intcmp=239>; <http://www.archives.gov/press/press-releases/2011/nr11-111.html>

"Reconstructing the Record of Nazi Cultural Plunder: A Survey of the Dispersed Archives of the Einsatzstab Reichsleiter Rosenberg (ERR)" written by Patricia Kennedy Grimsted, an expert on archives displaced during World War II, was published by the International Institute for Social History in Amsterdam. The online Survey includes links to 140,000 pages of ERR documents held by the state archives in the Ukrainian State Archives. The project was funded by the Conference on Jewish Material Claims Against Germany (Claims Conference).

http://www.artdaily.org/index.asp?int_sec=2&int_new=46977

Finally, the Holocaust Museum in Washington, D.C., and Ancestry.com announced that the museum will provide online access to 10 of its collections of records from World War II (an

estimated 170 million documents) through a software program specially designed by Ancestry, the *Washington Post* reported. http://www.washingtonpost.com/blogs/arts-post/post/holocaust-museum-and-ancestry-join-records-and-technology-to-form-an-unprecedented-online-database/2011/05/03/AFhOISgF_blog.html

Privacy. A comparison of privacy in Europe and the United States and the progress towards a common international approach to privacy was published in the *New York Times* and then rebutted and debated in the *Chronicle of Data Protection*. Privacy issues and the Internet were part of the G8 summit discussions in late May, news organizations reported. [http://www.hldataprotection.com/2011/05/articles/news-events/new-york-times-stirs-debate-over-eu-vs-us-privacy-commitment/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+ChronicleOfDataProtection+\(HL+Chronicle+of+Data+Protection\)](http://www.hldataprotection.com/2011/05/articles/news-events/new-york-times-stirs-debate-over-eu-vs-us-privacy-commitment/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+ChronicleOfDataProtection+(HL+Chronicle+of+Data+Protection))

Al-Qaeda and Osama bin Laden material. Many news outlets reported on the paper and electronic information taken during the raid on Osama bin Laden's compound. Both flash drives and computers were seized; an Associated Press report of 13 May described bin Laden's use of flash drives as communications mediums. <http://arabnews.com/world/article398491.ece>

ICA Human Rights Working Group news.

Volunteer sought. The HRWG seeks a volunteer to lead the project of developing a list of to archives that describe themselves as human rights archives and to archives that are within human rights organizations. The project leader will contact groups that appear to fall within those two categories, receive and maintain the returns, and work with the ICA web manager to put the information on the ICA website. The project utilizes the International Standard for Describing Institutions Holding Archives as a basic collection tool. English is required, and another international language is an asset to the work. For further information or to volunteer, please contact Trudy Peterson trudy@trudypeterson.com or Antonio Gonzalez Quintana antonio.gonzalez.quintana@madrid.org. The Working Group thanks Roser Granollers for her work in setting up this project.

News now published through Council of Europe. With the agreement of both the International Council on Archives and UNESCO, the Life Cycle of Information Division of the Information Technologies Directorate of the Council of Europe will now publish this newsletter on its public electronic repository ArchivalWare at <http://128.121.10.98/coe/public.jsp>.

International news.

Austria/Israel. The Jewish community in Austria filed a lawsuit in the Jerusalem District Court, seeking to take possession of the materials from the Jewish community in Austria that were transferred after World War II to Israel's Central Archives for the History of the Jewish People. The Austrian community argues that these documents, dating from the 1600s to 1945, were loaned to Israel, while the archives, a part of Hebrew University, argues that they were a donation. <http://www.jpost.com/JewishWorld/JewishNews/Article.aspx?id=219474>
<http://www.haaretz.com/weekend/week-s-end/we-want-our-archives-back-1.361451>

Colombia/Venezuela. Documents found on a computer seized during a 2008 raid on a camp of the Colombian rebel group Revolutionary Armed Forces of Colombia (FARC) were published by the International Institute for Strategic Studies in London. Titled “The FARC Files: Venezuela, Ecuador and the Secret Archive of Raul Reyes,” the book and the accompanying CD are said to show the relationship between the government of Venezuela and the rebels. Venezuela’s government contends that the files, from a senior FARC commander killed in the raid, are fabrications, but an analysis by Interpol shortly after the raid concluded that the computer files were genuine, according to the *New York Times*.
http://www.nytimes.com/2011/05/10/world/americas/10venezuela.html?_r=1

France/United States. The governor of the state of Maryland signed the law requiring that the French train company, SNCF, make public all its records related to Nazi transport of Holocaust victims if SNCF is to bid on providing train service in Maryland. The *Washington Post* editorialized against the law. http://www.washingtonpost.com/local/holocaust-records-required-for-marc-bids/2011/05/18/AFbgMo6G_story.html;
http://www.washingtonpost.com/opinions/who-will-run-marylands-trains/2011/05/20/AFbgTM9G_story.html

Northern Ireland/United Kingdom/United States. The U.S. Attorney’s Office, acting on behalf of the Police Service of Northern Ireland, served a subpoena on Boston College, in the State of Massachusetts, for two tapes that were recorded as part of the institution’s Oral History Archive on the Troubles in Northern Ireland. One of the interviewers told *Boston.com* that “if the U.S. government succeeds in compelling the college to surrender decade-old interviews with two former soldiers of the Provisional Irish Republican Army, he believes that BC may have to destroy the rest of the tapes to protect those who participated under what they understood to be an ironclad promise of confidentiality until their death.”
<http://www.nytimes.com/2011/05/13/world/europe/13ireland.html?src=rechp>;
<http://www.bc.edu/publications/chronicle/FeaturesNewsTopstories/2011/news/irish052611.html>;
http://www.boston.com/news/local/massachusetts/articles/2011/05/14/bc_ordered_to_give_up_oral_history_tapes_on_ira/

National news.

Egypt. During the uprising in March, activists obtained files as well as DVDs containing profile photos of State Security Investigations officers, including “a trove of photographs inside state security headquarters that amounts to a secret policemen’s yearbook,” reported the *Washington Post*. The activists are now posting the photos online, accompanied by allegations “about what the officers did during the Mubarak years.” Some “prominent Egyptian figures,” including the Dean of the School of Public Affairs at the American University in Cairo, are reportedly concerned about posting the allegations because they “could put innocent people at risk.”
<http://pqasb.pqarchiver.com/washingtonpost/access/2345316931.html?FMT=FT&FMTS=ABS:FT&date=May+13%2C+2011&author=Michael+Birnbaum&desc=Egyptian+activists+shine+a+light+on+old+security+nemeses&free=1>

Germany. Fifty years after the trial and execution of Adolf Eichmann, new information continues to emerge. *Bild*, a German newspaper, took the Germany foreign intelligence

agency to court, trying to get the files it holds on Eichmann from 1945 until his capture by Israeli agents in Argentina in 1960. A few files were released, including an index card from 1952 “that made clear that West German intelligence officials already know Eichmann was living in Argentina,” reported the *New York Times*.

<http://www.nytimes.com/2011/05/09/arts/anniversary-of-adolf-eichmanns-trial-sheds-light-on-postwar-germany.html>

Ghana. John Dramani Mahama, the Vice President of Ghana, called on both public and private sector institutions to do a better job of record keeping. According to the Ghana news agency, he said that proper documentation was “relevant due to the rise of court cases and other forms of litigation throughout the country.” He also said records would become even more important when Ghana’s freedom of information bill passes.

http://www.ghananewsagency.org/social/r_28460/social/vice-president-calls-for-proper-record-keeping-for-research

India. The *Times of India* reported the “curious” resurfacing of police records of the Gujarat riots of 2002 “which were claimed to have been destroyed in the routine course.” PC Pande, who was commissioner of Ahmedabad during the riots, submitted to the Supreme Court’s Special Investigation Team (SIT) a CD containing scanned copies of over 3000 pages of police records. The SIT is looking into the alleged complicity of the government in the riots.

http://articles.timesofindia.indiatimes.com/2011-04-23/india/29466106_1_gujarat-riots-supreme-court-appointed-special-investigation-pc-pande

Two regional governments in India announced scanning projects. In the wake of criticism over the physical deterioration of the archives, the government of Jammu and Kashmir announced it is starting to digitize the archives in three repositories, reported *greaterkashmir.com*. <http://www.greaterkashmir.com/news/2011/May/2/9govt-wakes-up-to-end-archival-mess-57.asp> The Haryana Urban Development Authority (Huda) decided to digitize its entire archives. The *Times of India* reported that a “senior official of Huda aid that every second day they receive complaint from . . . residents that some papers from their property records in Huda office are missing and even raised allegations against Huda officials for tampering with documents.” He also pointed to the recent fire in the Haryana high court and said digitization would help reduce the risk of information loss due to fires.

http://articles.timesofindia.indiatimes.com/2011-05-04/chandigarh/29508355_1_huda-administrator-rajender-kataria-huda-authorities-haryana-urban-development-authority

Kenya. The International Criminal Court is investigating six prominent Kenyans charged with inciting violence following the 2007 elections. At the preliminary proceedings, Chief Prosecutor Luis Moreno-Ocampo announced that the prosecution has 7800 pages of witness statements and 19,000 pages of evidence that he plans to use. He noted that some items would have to be redacted before submitted in public sessions. <http://in2eastfrica.net/20-witnesses-to-testify-against-ocampo-six/>

Kyrgyzstan. The Independent International Commission of Inquiry (KIC) into the violence in southern Kyrgyzstan in June 2010 released its report. The findings, said the KIC, were based on “extensive interviews of some 750 witnesses, 700 documents and nearly 5000 photographs and 1000 video extracts.” The government has rejected the findings, which said in part that the basic responsibility of the government to protect all citizens “was not fulfilled.” The future disposition of the records assembled by the commission was not announced.

<http://www.k-ic.org/en/news/364-kic-final-report-published.html>;

[http://www.tol.org/client/article/22381-sticking-to-its-story.html?utm_source=TOL+mailing+list&utm_campaign=2b8ddc608d-TOL Newsletter5 10 2011&utm_medium=email](http://www.tol.org/client/article/22381-sticking-to-its-story.html?utm_source=TOL+mailing+list&utm_campaign=2b8ddc608d-TOL+Newsletter5+10+2011&utm_medium=email)

Malta. The Freedom of Information Act of Malta, enacted in December 2008, has still not gone into effect because, according to a report in the *Times of Malta*, more time is needed to write the regulations and train civil servants to administer the program.

<http://www.timesofmalta.com/articles/view/20110517/local/Training-delays-implementation-of-Freedom-of-Information-legislation.365786>

Rwanda. The justice minister announced that the Gacaca courts will close in December and a final report on the process will be compiled. The courts, based on traditional village councils, were created in 2001 and, according to the minister, have handled 1.4 million dossiers.

<http://www.rnw.nl/international-justice/article/rwandan-gacaca-genocide-courts-close>

Serbia. With the support of a number of donors, principally Norway, 40 million records of the Ministry of Defense, dating from the 18th century through 2000, have been digitized and linked to searchable metadata. However, all documents from the last 50 years remain classified, and users must get special permission from Serbia's Ministry of Defense to see the records and must then travel to the Zarkovo military base 40 minutes outside Belgrade to use the digital files. <http://www.knightfoundation.org/news/reporter-analysis/2011-03-serbia/index.dot>

Spain. The island of Majorca hosted a memorial gathering of descendants of Jews who were persecuted on the island during the Spanish Inquisition, including three who were burned alive. The names of 37 victims of a 1691 public execution were read aloud; information on the persons persecuted was taken from "meticulous Inquisition records," the *New York Times* reported.

<http://query.nytimes.com/gst/fullpage.html?res=9501E7D61139F933A25756C0A9679D8B63>

Uganda. In April the Kitgum War Memorial Museum was opened. It has exhibition space and a library and will collect materials about the war in northern Uganda against the Lord's Resistance Army and other conflicts in Uganda since 1962. It is affiliated with Makerere University. <http://www.newvision.co.ug/D/8/16/751455>

United Kingdom. Legal researchers using Home Office files discovered that in the 1970s at the British Embassies in New Delhi and Mumbai at least 80 women hoping to immigrate to the U.K. were subjected to "virginity tests." The British government previously had acknowledged only two cases, both at London's Heathrow Airport.

http://www.nytimes.com/2011/05/10/world/europe/10briefs-ART-Britain.html?_r=1;
<http://www.guardian.co.uk/uk/2011/may/08/virginity-tests-immigrants-prejudices-britain>

In a case that shows the problems that access to information can cause, a Nobel laureate in the U.K. has protested that freedom of information laws are used to harass scientists. This is a result of the climate change controversy involving scientists at the University of East Anglia, but it echoes recent cases in the United States where freedom of information requests were made for the email messages and other records of university professors at public universities.

<http://www.guardian.co.uk/politics/2011/may/25/freedom-information-laws-harass-scientists>

Scotland Yard is fighting a legal battle to keep its files on the investigation of the “Jack the Ripper” cases secret, arguing that disclosing the names of informants “could hinder recruiting and gathering information from modern informants, affecting terrorism investigations – and even lead to the Victorian’s relative being attacked,” reports the *Daily Mail*. The cases involve eleven London murders in 1888, none of which were solved.

<http://www.dailymail.co.uk/news/article-1387354/Jack-Ripper-Scotland-Yards-legal-battle-files-secret-120-years-killings.html?ito=feeds-newsxml>

Wales. According to *Wales on Sunday*, Welsh police now hold more records on individuals-- 3.28 million records in police databases—than there are people in the country.

<http://www.walesonline.co.uk/news/wales-news/2011/05/22/3-2-million-records-on-police-database-91466-28739302/>

United States. The U.S. District Court for the Central District of California chastised the FBI for lying about the existence of surveillance records. The Islamic Shura Council of Southern California and the Council on American Islamic Relations first submitted a Freedom of Information request to the FBI for records on themselves; in 2008 the FBI produced only a few items and the organizations filed suit. The FBI argued that the FOIA allowed it to withhold information from the court that it believed would “compromise national security,” an argument that the court said was “indefensible,” writing, “The Government cannot, under any circumstances, affirmatively mislead the Court.”

<http://www.eff.org/deeplinks/2011/05/fbi-chastised-court-lying-about-existence>

California. In a good example of the risk that transport of records runs, a moving truck spilled 20 boxes of business records while transferring them from one warehouse to another in the city of San Rafael. Most of them appeared to be from a law firm, but others seemed to be medical documents. Passers-by picked them some of the items; the California Office of Privacy Protection asked that anyone who took items should turn them in to the police or shred them. http://www.marinij.com/marinnews/ci_17993877?source=most_viewed

Connecticut. The medical files of a Connecticut woman, accused 80 years ago of being a serial killer, have “vanished,” according to the *Connecticut Law Tribune*. As of 1988 they were in a “locked vault” at the Connecticut Valley [public] Hospital where she was incarcerated until she died in 1962. In a separate but related investigation, the Tribune found in the archives of the Hospital the records of 333 lobotomies performed on patients between 1946 and 1952. <http://www.ctlawtribune.com/getarticle.aspx?ID=40445>

Idaho. The Boise Children's Home is preserving and providing access to records documenting a century of Idaho adoption history.

<http://www.therepublic.com/view/story/2da796543fbf42c59ffaab522fd96ab5/ID--Childrens-Home-Adoption-History/>

Calls for papers, conferences, courses.

Travel grants for students from Poland and the United Kingdom are available to attend the 7th Ravensbruck European Summer School from 28 August until 2 September 2011. The theme of the program is Gender and Race in Nazi Medicine. Applications are due 2011-06-15; contact pjweindling@brookes.ac.uk or www.ravensbrueck.de/mgr/index.html.

The Socialism Centre for Contemporary History, Potsdam, Germany (ZZF), invites applications for two visiting fellowships during the academic year 2011-2012. Applications are due 2011-06-10; contact behrends@zzf-pdm.de or go to the website www.zzf-pdm.de.

The Rotary Foundation is accepting applications for the Rotary Peace Fellowship that “provides academic and practical training to prepare scholars for leadership roles in solving conflicts around the world.” Up to 100 fellows are selected every year in a world-wide competition. Applications are due 2011-08-15. For further information, contact Niki.Fritz@Rotary.org or visit www.rotary.org/rotarycenters.

The 44th Annual Conference of the Liberian Studies Association will be held March 29-31, 2012, at Cornell University, Ithaca, New York, on the theme, “Building a Capable State: Looking Back, Moving Forward.” One sub-theme for the conference is “Historical and Cultural Factors related to Liberia’s problems and the solutions.” Paper proposals/abstracts must be sent to jsb25@cornell.edu by December 15, 2011. For further information see <http://www.h-net.org/announce/show.cgi?ID=185048>

The Film Studies Space: The Centre for the Cultural History of the Moving Image announces an interdisciplinary conference titled "Cultures of Surveillance" to be held at University College London, 29 September - 1 October 2011. Paper proposals must be submitted by 2011-06-15 to deadobjects@gmail.com; for further information see www.autopsiesgroup.com/conference-calls.html

The Steering Committee of the American Political Science Association Human Rights Section, the Council of the IPSA Human Rights Research Committee, and the Executive Council of the ISA Human Rights Section announces their second joint conference on the theme “Protecting Human Rights: Duties and Responsibilities of States and Non-state Actors” to take place on 18-19 June 2012 at the University of Glasgow in Glasgow, Scotland, hosted by the Glasgow Human Rights Network. For conference information see <http://www.gla.ac.uk/research/az/glasgowhumanrightsnetwork/ghrnconferencejune2012/>

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