

# HRWG ica

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

*August 9 is the International Day of the World's Indigenous People, August 12 is International Youth Day, August 19 is World Humanitarian Day, August 23 is the International Day for the Remembrance of the Slave trade and Its Abolition, and August 29 is the International Day against Nuclear Tests*

## News of July 2011

Compiled by Trudy Huskamp Peterson, Chair, HRWG

The following is number twenty 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 19.** *Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to see, receive and impart information and ideas through any media and regardless of frontiers.*

Before he set off to bomb central Oslo and murder people on Utoya island, Anders Behring Breivik posted on line a 1500 page manifesto and a 12 minute video, full of hate speech. Should he have been able to do so? Does hate speech fall within the protection of Article 19?

When the drafters of the Universal Declaration worked on Article 19, they struggled with this question. Their frame of reference was World War II, and as Alexandre Bogomolov, the USSR delegate, said, "Between Hitlerian racial propaganda and any other propaganda designed to stir up racial, national or religious hatred and incitement to war, there was but a short step." Surely, some delegates argued, governments should be permitted, in the words of the British delegation, to take "steps against publications whose whole object was to destroy the rights and freedom which it is the purpose of the [Declaration] to establish." But other delegates argued that the horrors of World War II were due partly to the isolation of peoples from the opinions of the outside world and therefore unrestricted speech was a partial remedy. Ultimately the drafters decided not to place any restrictive language in Article 19, but they pointed to protective language in Article 7 ("All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.") and Article 29, clause 2

(“In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”) In other words, the delegates did not condemn hate speech per se but rather said that all persons have the right to be protected against such speech. (Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, pp. 58-72.)

Adopting the Universal Declaration did not quiet the debate, and the International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly in 1966, included in *its* Article 19 a third element stating that the exercise of the right to freedom of expression “carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: 1. For respect of the rights or reputations of others; 2. For the protection of national security or of public order (ordre public), or of public health or morals.” It went on, in Article 20, to extend this prohibition: “1. Any propaganda for war shall be prohibited by law. 2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

As the use of information technologies grew, the debate resumed with a new focus. In 1999 the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression issued a Joint Declaration on International Mechanisms for Promoting Freedom of Expression. The 2003 Geneva Declaration of the World Summit on the Information Society considered Article 19’s applicability to the computing world (for a helpful comparison of the Geneva Declaration and the UDHR, see Loreto Corredoira’s article “A New Reading of Article 19 of the Universal Declaration of Human Rights (1948) in Our Information Societies,” [http://e-television.es/e-tv-docs/doc\\_download/8-a-new-reading-of-article-19-of-the-universal-declaration-of-human-rights-1948-](http://e-television.es/e-tv-docs/doc_download/8-a-new-reading-of-article-19-of-the-universal-declaration-of-human-rights-1948-)). And on 21 July 2011 the UN Human Rights Committee issued a new “General comment No. 34” on Article 19, available at <http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>. For an overview of the wide variety of current issues concerned with freedom of expression and information, see the website for the organization named Article 19 at <http://www.article19.org/>

And archives and Article 19? It is hard to think of an archives without relevant records. Records of courts, police, legislatures, political parties, media, non-governmental organizations, labor unions and organizers, and religious groups all have information on the exercise of Article 19 rights. Businesses, too, may have records about free speech; for example, in 2010 the Craigslist website was pressured to control the postings of sex advertisements, and several countries have banned violent video games, both before and after the Oslo attacks. Personal papers show the rights to free expression; some activists take their personal papers to another country for safety from seizure. Archives—their existence and their use—are Article 19.

### **Human Rights Working Group news.**

Directory of human rights archives. The ICA Human Rights Working Group's project to build an on-line directory of (1) archives that identify themselves as human rights archives and (2) archives that are part of a human rights organization and are open to the public has new managers. The Working Group selected Aileen Cornelio (Canada) and Tessa Fallon (United States) to lead the project. Aileen will handle French and Spanish contributions, and Tessa and Aileen will share English language ones. The directory will be available through the International Council on Archives' website; the ICA's International Standard for Describing Institutions with Archival Holdings is used for gathering directory information. Any institution that wishes to be part of the directory should contact either Aileen [aileen.cornelio@gmail.com](mailto:aileen.cornelio@gmail.com) or Tessa at [taf2111@columbia.edu](mailto:taf2111@columbia.edu). The Working Group heartily thanks Roser Rodriguez of Spain for her contributions to launching the project.

International Seminar Archives and Human Rights. The Archival Services of the Junta de Andalucia, Spain, are holding a seminar in Malaga, 14-16 November on the topic of archives and human rights. Martin Berendse, the president of the International Council on Archives, will open the seminar; among the speakers is Judge Baltasar Garzon, internationally known for issuing an arrest warrant for Chilean General Augusto Pinochet and launching an inquiry into alleged crimes against humanity committed by Spain's Nationalist government during the Spanish Civil War. The seminar program is found at [http://www.juntadeandalucia.es/cultura/archivos\\_html/sites/default/contenidos/general/noticias/Noticias/ONLINE.pdf](http://www.juntadeandalucia.es/cultura/archivos_html/sites/default/contenidos/general/noticias/Noticias/ONLINE.pdf)

### **International news.**

International courts. In an interview with the *International Justice Tribune*, Richard Karegyesa of the Office of the Prosecutor at the International Criminal Tribunal for Rwanda (ICTR) stressed the importance of preserving evidence when indicted persons are fugitives. At present nine people who have been indicted by the Tribunal have not been apprehended. <http://sites.rnw.nl/pdf/ijt/ijt133.pdf> ICTY is expected to close in July 2012, after which a Residual Mechanism will take over the remaining work. The President of ICTR told the United Nations Security Council in June that ICTR, in cooperation with the International Tribunal for the Former Yugoslavia, is "providing input to the [U.N.] Office of Legal Affairs" on a variety of transition issues, including "joint policies for the access and security of the archives of the Tribunals and the Mechanism."

<http://www.unictr.org/Portals/0/ict.un.org/tabid/155/Default.aspx?id=1211>

Armenia/Vatican. According to *La Stampa's* "Vatican Insider," the Vatican will publish a book of documents from the Vatican archives on the World War I era Armenian genocide. The newspaper quotes the prefect of the Vatican archives as saying that the episodes reported in the documents "make me ashamed to be a man."

<http://vaticaninsider.lastampa.it/en/homepage/the-vatican/detail/articolo/genocidio-armeno-archivio-segreto-archivo-secreto-secret-archive-armenian-genocide-4385/>

Brazil/United States. In response to the item in the June newsletter on the return to Brazil of items held by the World Council of Churches in Geneva, James Simon of the Center for Research Libraries wants the readers of this newsletter to know that the Center donated to Brazil a microfilm copy of the entire set of 707 case files from the Supreme Military Court of Brazil deposited with the Center. The Center received the microfilm in 1987 from the director of the project *Brasil: Nunca Mas*, who sought a repository to store the 543 reels for preservation and use. The case files and their extensive index have been available to the Center's member institutions, but now they will be digitized in Brazil and made accessible electronically. Thank you to James for alerting us to this important contribution. <http://www.crl.edu/news/7300>

Iraq/United States. A quantity of books and some documents from the Jewish community in Baghdad were discovered in 2003 a basement used by Saddam Hussein's secret police. The material was shipped to the United States with the understanding that it would be returned to Iraq. The National Archives and Records Administration (NARA), which stores the material, recently got roughly \$3 million to restore the items, and the director of preservation program there is quoted by the *Associated Press* as saying that "NARA will hire about ten people" to work on the preservation project, with part of the money used to bring Iraqi archivists to the U.S. and give them preservation training. The deputy culture minister of Iraq, however, alleges that the U.S. is "not serious" about returning the materials to Iraq. <http://www.startribune.com/world/125289458.html?page=all&prepage=1&c=y#continue>

Kenya/United Kingdom. The April newsletter reported that four Kenyans who were tortured during the Mau Mau uprising in the 1950s were planning to sue the U.K. government for compensation. The British judge handling the case has now ruled that the case can go forward, based at least in part on colonial-era files from the Foreign Office that were discovered during the preparation of the case. The judge commented, "The [documents] evidencing the continuing abuses in the detention camps . . . are substantial, as is the evidence of the knowledge of both governments that they were happening and of the failure to take effective action to stop them." <http://www.guardian.co.uk/world/2011/jul/21/mau-mau-torture-kenyans-compensation>  
Thank you to Guilia Barrera for drawing attention to this update.

Northern Ireland/United Kingdom/United States. In the continuing story of the subpoena for the oral history interview with a former member of the Irish Republican Army, the U.S. Justice Department filed a brief on 1 July arguing that researchers who conduct oral history interviews have no right to expect courts to respect confidentiality pledges made to interview subjects. The brief further asserts that academic freedom is not a defense to protect the confidentiality of such documents. <http://www.scribd.com/doc/59191594/Government-s-Opposition-to-Motion-to-Quash-and-Motion-to-Compel-7-1-11>, [http://www.insidehighered.com/news/2011/07/05/federal\\_government\\_questions\\_confide](http://www.insidehighered.com/news/2011/07/05/federal_government_questions_confide)

[ntiality of oral history](#)

### **National news.**

Canada. Algoma University in Sault Ste. Marie, Ontario, announced that the Aboriginal Healing Foundation will donate more than 6,000 items, including audio and video interviews with former residential school students, to the university and the Children of Shingwauk Alumni Association. <http://www.algomau.ca/news/2011/07/06/377>, <http://www.saultstar.com/ArticleDisplay.aspx?e=3204171>

On a less happy note, the Inuit film company Igloolik Isuma Productions that made the prize-winning film *Atanarjuat: The Fast Runner*, has been forced into receivership, the *Globe and Mail* reported. The co-producer of the film is worried about what will happen to the firm's archives, collected over 20 years in business, which includes "thousands of hours of interviews with Inuit elders, most of which has never been shown." The court-appointed receiver said he is "sensitive to the significance of the archive and if a suitable buyer can't be found, he will consider donating the footage." <http://www.theglobeandmail.com/news/arts/movies/creditors-pull-plug-on-inuit-film-company-behind-fast-runner/article2091524/>

British Columbia. The police in British Columbia are building a "fully integrated" computer system that will create a "consolidated dossier" on individuals, including suspects, victims, complainants and witnesses. The information will be obtained from multiple police agencies throughout the province. *Itworldcanada.com* says the database can be used "to sort out multiple aliases" and quotes a manager of the software as saying there are more names in the software system than citizens in the province. The views of privacy advocates about this system were not reported. <http://www.itworldcanada.com/news/b-c-police-to-use-ibm-to-sort-out-multiple-aliases/143479>

China. The *Yangtze Evening News* announced that the final 23 volumes (of a total of 78 volumes) of historical records on the Nanjing Massacre were published by Jiangsu People's Publishing House. The 10-year project involved about 100 scholars and professors who collected "first-hand accounts of perpetrators, victims and third parties, including personal diaries and news stories," in China, the U.S., Germany, the U.K., Japan, Russia, Italy and Taiwan. [http://www.china.org.cn/china/2011-07/07/content\\_22943005.htm](http://www.china.org.cn/china/2011-07/07/content_22943005.htm)

Egypt. The *Guardian* published an article on the continuing efforts by the Committee to Document the 25<sup>th</sup> January Revolution to gather "primary data on the revolution" and "deposit it in the archives." Khaled Fahmy, the leader of the effort, told the *Guardian*, "The question of access to information and archives is political, because reading history is interpreting history, and interpreting history is one way of making it. Closing people off from the sources of their own history is an inherently political gesture, and equally opening that up is a political—even revolutionary—act."

<http://www.guardian.co.uk/world/2011/jul/15/struggle-to-document-egypt-revolution>

Germany. The German intelligence agency BND destroyed the file of wanted Nazi criminal Alois Brunner in the 1990s; the agency also admitted it attempted to recruit him, reported *Der Spiegel*. Brunner was responsible for the deportation of at least 130,000 Jews to concentration camps during the Holocaust; he was the commander at the infamous Drancy internment camp near Paris. A report by *Ynetnews* after the *Spiegel* article was published reported that Brunner is still wanted in Germany, France, Poland, Austria, the Czech Republic and Greece, and he was sentenced to death in absentia in France in 1954. <http://www.ynetnews.com/articles/0,7340,L-4099633,00.html>  
<http://www.spiegel.de/panorama/justiz/0,1518,775536,00.html>

Guatemala. Pedro Garcia Arredondo, the former police commander who is suspected of playing a role in the burning of the Embassy of Spain in 1980 in which 37 people were killed, was arrested, but not for the Embassy crime. Instead, he was arrested for the 1981 disappearance of agronomy student Edgar Enrique Saenz Calito, a case documented by the Guatemala truth commission. Garcia Arredondo led the notorious “Commando Seis,” the records of which are among the Guatemala police archives.  
<http://www.todanoticia.com/28914/guatemala-capturan-pedro-garcia-arredondo/?lang=en>

Honduras. The truth commission released its final report. Pursuing fifteen lines of investigation, the commission created an important body of records—paper, electronic, and audiovisual—on recent Honduran history. <http://www.cvr.hn/assets/Documentos-PDF/Informes-Finales/TOMO-I-FINAL.pdf>

India. An item from the *Press Trust of India (PTI)* reports that the north India state of Haryana is digitizing its “entire revenue record” by using “high resolution satellite imageries.” The objective is to create a “conclusive land titling system” that will result in a “seamless database of the land records” for the entire state. The report did not explain how existing paper-based land title records would be harmonized with the satellite imagery. <http://bit.ly/ropcqD>  
<http://ibnlive.in.com/generalnewsfeed/news/haryana-to-digitilise-revenue-records/755758.html>

Peru. Peru’s president signed into law the Personal Data Protection Law (Ley de Proteccion de Datos Personales, Proyecto de Ley 4079/2009-PE), which establishes a “National Personal Data Protection Authority within the Ministry of Justice, which will have the power to impose sanctions for violations of the law,” says the Privacy and Information Security Law Blog. Regulations for the new law remain to be written. [http://www.huntonprivacyblog.com/2011/07/articles/international/peru-adopts-personal-data-protection-law/?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed:+PrivacyInformationSecurityLawBlog+\(Privacy+%26+Information+Security+Law+Blog\)](http://www.huntonprivacyblog.com/2011/07/articles/international/peru-adopts-personal-data-protection-law/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+PrivacyInformationSecurityLawBlog+(Privacy+%26+Information+Security+Law+Blog))

Russia. A *Reuters* article on the digitization of the sheet music archives of the Bolshoi Theatre reported that some marginalia written by performers was political in nature. One violinist in 1968 wrote, “It seems they came for Tatiana,” on the music for Tchaikovsky’s



opera “Eugene Onegin,” using the name of the principal female character in the opera but apparently referring to the “disappearances of people taken away by the Kremlin’s secret police for interrogation.”

<http://ca.reuters.com/article/entertainmentNews/idCATRE76H2XF20110718>

United Kingdom. *BBC News* featured a preservation project at Child Action Northwest, which began 120 years ago as the Blackburn orphanage. The records, including admission books and case files, are being preserved with funds from the lottery; the records will be transferred to the Lancashire Record Office. An estimated 4000 children spent time in the orphanage, and the preservation and description project will make it easier for people to find information about family members who may have lived there.

<http://lancashire.gov.uk/corporate/web/?siteid=4528&pageid=36701>

<http://www.bbc.co.uk/news/uk-england-lancashire-14183537>

United States. As continuing evidence of the impact of the destruction of records, a man accused of a murder in 1957 wanted to use his military personnel records to show that on the day of the crime he was not in the location where the girl later found dead had last been seen alive. His file was among those that were burned in a massive fire at the U.S. military records center in 1973. <http://www.victoriaadvocate.com/news/2011/jul/12/bc-us-1957-killing-records/?news&national-hurricane-news>

Minnesota. In a cooperative venture between the Carlton County Historical Society and the Fond du Lac Tribal and Community College, with a grant from the Minnesota Historical Society and the agreement of the copyright holder, interviews with 132 Ojibwe tribal leaders, elders and specialists, including 22 interviews in the Ojibwe language, have been transcribed, cataloged, copied and deposited in both the college and the county historical society. Amounting to 345 hours of footage, the materials were originally used to produce a television series on Ojibwe history and culture in 2002.

<http://www.pinejournal.com/event/article/id/24107/group/News/>

South Carolina. Prior to the 1970s, births at home were often unregistered and the baby did not get a birth certificate. According to *The State*, people born in the 1940s, ‘50s and ‘60s in rural South Carolina and lacking birth certificates must now authenticate their births in order to get the photo ID required for entry into public buildings and “in a recent and controversial change in South Carolina, to vote.”

<http://www.thestate.com/2011/07/17/1900835/many-face-fight-to-prove-id.html>

### **Calls for papers, conferences, courses.**

The Archivists Round Table of Metropolitan New York will hold a one-day symposium, "Artists' Records in the Archives," on 11 October in conjunction with the New York Public Library. The symposium will address how contemporary artists use artists' records in their work, the significance of artists' records in archives for scholars and curators, and how archivists and special collections librarians manage artists' records in

their repositories, including issues of copyrights and the moral rights of the artist.

<http://www.nycarchivists.org/>

The U.S. National Defense University (NDU) and the Woodrow Wilson International Center for Scholars are holding a conference 25-27 October at the Center in Washington on the history of the Iran-Iraq war. According to the announcement, the conference “will be centered on newly available documentary evidence from Iraqi archives stored digitally . . . and available to researchers at NDU.” The custody of the originals of these Iraqi archives remains a matter of controversy between the U.S. and Iraq.

<http://www.wilsoncenter.org/article/save-the-date-october-conference-the-iran-iraq-war#>

A workshop “Human Trafficking, International Crime and National Security: A Human Rights Perspective” will be held 3-4 February 2012, at the Georg-August University of Goettingen, Germany. As part of the European Commission’s Project on Indexing Trafficking in Human Beings, this workshop will bring together economists, political scientists, and other scholars, as well as policy makers to address emerging problems of human trafficking and transnational crimes. Suggestions for papers should be sent by 30 November to scho@uni-goettingen.de. Travel expenses will be reimbursed and accommodation will be provided for presenters of papers. There is no registration fee.

See <http://www.human-trafficking-research.org/>

**Please share news with us! [trudy@trudypeterson.com](mailto:trudy@trudypeterson.com) or [J.Boel@UNESCO.org](mailto:J.Boel@UNESCO.org)**

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