



December 1 is World AIDS Day, December 2 is International Day for the Abolition of Slavery, December 3 is International Day of Persons with Disabilities, December 5 is International Volunteer Day for Economic and Social Development, December 9 is International Anti-corruption Day, December 10 is Human Rights Day, December 18 is International Migrants Day, December 20 is International Human Solidarity Day

News of November 2012

Compiled by Trudy Huskamp Peterson, Chair, HRWG

The following is the fourth in a series of brief discussions of the *Principles of Access to Archives* adopted by the International Council on Archives at its Annual General Meeting in August 2012.

Principle 3. Institutions holding archives adopt a pro-active approach to access.

Archivists have a professional responsibility to promote access to archives. They communicate information about archives through various means such as Internet and web-based publications, printed materials, public programs, commercial media and educational and outreach activities. They are continually alert to changing technologies of communication and use those that are available and practical to promote the knowledge of archives. Archivists cooperate with other archives and institutions in preparing location registers, guides, archival portals and gateways to assist users in locating records. They proactively provide access to the parts of their holdings that are of wide interest to the public through print publication, digitization, postings on the institution's website, or by cooperation with external publication projects. Archivists consider user needs when determining how the archives are published.

In the 1989 movie "Field of Dreams," a farmer walking in his cornfield hears a voice saying, "If you build it, he will come." He interprets this to mean he should build a baseball field, and by the end of the movie hundreds of people are coming to see a baseball game. Some of us in archives believe that, too: that by building our holdings, researchers will naturally come to us for evidence and information because archives are so self-evidently useful, so obviously a reliable source, managed by virtuous archivists in a trustworthy institution. And yet that's not how archives look to many non-archivists: housed in forbidding monumental buildings or hidden in basements, with finding aids with little information or insider jargon, unclear or complicated criteria for using the archives, and expensive charges for making copies. Bringing these two images into harmony is more than mere public relations: it is ensuring that people who need the information in archives know they can have access to it, an especially important clarification

when the information is needed to defend human rights or to assert that rights have been violated.

Here are two contrasting examples of a pro-active approach.

The “Hillsborough event” was a riot at a Sheffield, England, football stadium in 1989 in which 96 people died. In 2010 the government of the United Kingdom created the Hillsborough Independent Panel to look at the circumstances and aftermath of the disaster, and in 2012 the Panel released its report, publishing online descriptions and digital images of records held by 85 organizations (both public and private sector) and individuals that related to the disaster. The Panel had expected the organizations holding the records to arrange and describe them before giving them to the Panel, but in most cases this did not happen. Ultimately “a team of archivists working with the Panel” arranged the materials and described them using the basic elements of the International Standard for Archival Description (General). This collection, description and online publication is an excellent example of the pro-active approach to providing access to relevant records to the interested public.

In a case demonstrating the problems caused by the lack of a pro-active approach, Romania, like many countries in Eastern Europe, is struggling with the issue of restitution to former owners of properties confiscated by its Communist government after World War II. In the summer of 2012, *Balkan Insight* reported that only about 11 percent of property claims in Romania were resolved and “some properties have been illegally given to people who forged ownership documents or inheritance papers” because “the files of the real owners of properties dispossessed by the Communists lie abandoned in the archives of the Property Restitution Agency.” Without an effort to arrange and describe and effectively make the records available, people are denied the opportunity to advance a claim for restitution.

As Principle 3 makes clear, archivists must consider the user when deciding on the type of public outreach to undertake. The U.K. solution works well with a population that has easy access to the Internet; it would work less well in reaching out to the people who live in three-fourths of the countries in the world, where on average only 25% of the population have Internet access (see “Internet World Stats” <http://www.internetworldstats.com/top25.htm>). One approach does not fit all, but there is always an approach that can and should be made.

HRWG News. At an international training session organized by the Archives of France, Perrine Canavaggio presented a paper, “Le groupe *Archives et droits de l’Homme* du Conseil international des Archives: Une décennie de réalisations internationales.”

International news.

ICTY/Bosnia/Croatia. As part of the efforts by the International Criminal Tribunal for the former Yugoslavia (ICTY) to encourage dialogue on its legacy in the former Yugoslavia, the ICTY convened two conferences in November, one in Bosnia/ Herzegovina and one in Croatia. Panels discussed the importance of the Tribunal’s archives and their use in the transitional justice

processes in the region, the future location of the archives, the establishment of information centers, safeguarding, accessibility and outreach. At the conference in Sarajevo, the deputy president of the ICTY “expressed his hope that the decisions, evidence and archives of the Tribunal would help Bosnian society on its way to a better future,” *BIRN* reported. Thanks to Tobias Affolter for information on the conferences.

http://www.balkaninsight.com/en/article/hague-tribunal-discusses-past-and-future?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=f7716b10f2-RSS_EMAIL_CAMPAIGN&utm_medium=email;

http://www.balkaninsight.com/en/article/croatia-discusses-hague-tribunal-legacy?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=84054cd488-RSS_EMAIL_CAMPAIGN&utm_medium=email; <http://www.icty.org/sid/11120>;

<http://archivesproject.swisspeace.ch/news/current-singleview/article/legacy-of-the-icty-in-the-former-yugoslavia/>

ICTY/Croatia/Serbia. The ICTY appeals chamber overturned the convictions of two Croatian generals, Ante Gotovina and Mladen Markac, for their part in Operation Storm, a military operation in 1995 by Croatian forces that seized the Krajina region from Serbian control. Following the announcement of the reversal, the Office of the War Crimes Prosecutor of Serbia asked ICTY to provide “any materials and evidence from the case files of Ante Gotovina and others that bear relevance to war crimes committed during and after the large-scale action carried out by Croatian military and police forces known as Operation Storm.” The Chief Prosecutor of ICTY announced that “all documents and evidence that the ICTY prosecution gathered in the Gotovina and Markac case will be forwarded to national courts in Serbia and Croatia, if requested.” For the press release from the Office of the War Crimes Prosecutor of Serbia, see http://www.tuzilastvorz.org.rs/html_trz/VESTI_SAOPSTENJA_2012/VS_2012_11_25_ENG.pdf For the promise of cooperation by the ICTY Chief Prosecutor, see <http://www.balkaninsight.com/en/article/serbia-to-prosecute-crimes-committed-in-storm>

Bosnia/Croatia. The War Crimes Chamber of the Court of Bosnia and Herzegovina heard testimony from an expert witness in the trial of Zulfikar Alispago, who is charged with war crimes in the Croatian village of Trusina. The witness said he analyzed documents to determine the responsibility of Alispago and concluded that although Alispago “was not present in Trusina” during the attack on the village, “he was obliged to gather data and inform his superiors.” The documents available, which seem not to have included Alispago’s reports to his supervisors, did not let the expert determine who ordered the “Zulfikar” squad into the village. http://www.balkaninsight.com/en/article/expert-witness-speaks-about-trusina-responsibility?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=6440d07518-RSS_EMAIL_CAMPAIGN&utm_medium=email

Germany/Russia. On the 70-year anniversary of the establishment by the USSR of an Extraordinary State Commission to investigate crimes committed by Hitler’s troops on the territory of the USSR, *The Voice of Russia* published an essay on the Commission’s “60,000 war investigation documents kept in State Archive of Russian Federation.” Some of the “documents, photos and documentary films” were subsequently used as evidence at the Nuremberg Trials. http://english.ruvr.ru/2012_11_01/60-000-war-documents-kept-in-state-archive-of-Russian-Federation/

Iraq/Lebanon/United States. In mid-November Iraq released from prison Ali Musa Daqduq, a member of Lebanon's Hezbollah militant group, who is alleged to have been involved in training Shiite militias in Iraq during the war there and helping organize a January 2007 raid in Karbala that killed five U.S. military personnel. He was captured in a raid in Basra in March 2007, according to the *New York Times*, and "a hard drive recovered at the site contained documents about the planning of the Karbala raid and even scanned copies of the contents of the wallet of one of the Americans killed in the attack."

<http://www.politico.com/news/stories/1112/83987.html>;

<http://www.nytimes.com/2012/11/12/world/middleeast/us-fears-hezbollah-operative-held-in-iraq-may-go-free.html>

Israel/Palestine/Tunisia. Israel acknowledged that it killed a deputy of the late Palestinian leader Yaser Arafat in a raid in Tunisia in 1988, many media outlets reported. Israel's military censor permitted *Yediot Ahronot* daily to publish the information, 12 years after the newspaper obtained the information and had interviewed the commando (who died in 2000) who told the newspaper that he had fired the fatal shot. <http://www.guardian.co.uk/world/2012/nov/01/israel-acknowledges-killing-palestinian-deputy>

Kosovo/Montenegro. Montenegro and Kosovo have begun the formal process of demarcating the border between them, a matter of great concern to people who live or own property in the border area. According to *BIRN*, "The guide for the joint working body, tasked with identification of the border lines and preparation of the boundary documents, also needs to be prepared." The national archives of the two countries need to ensure that the records of the survey work and the final boundary agreement are acquired and preserved as soon as the final demarcation is completed. http://www.balkaninsight.com/en/article/montenegro-launches-border-demarcation-with-kosovo?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=84054cd488-RSS_EMAIL_CAMPAIGN&utm_medium=email

National news.

Australia. The National Archives placed a "disposal freeze" on all records of Commonwealth government agencies that might be relevant to the inquiry underway by the Royal Commission into Institutional Responses to Child Sexual Abuse in religious, community and state institutions. Relevant records held by private and state institutions also need to be frozen until the inquiry is completed. <http://www.heraldsun.com.au/news/breaking-news/dont-destroy-abuse-records-police-urged/story-e6frf7kf-1226518233159>;
<http://news.ninensn.com.au/national/2012/11/23/20/00/national-archives-to-keep-abuse-docs>

Canada. In the last act of the long-running drama on the maintenance of records of long gun ownership, the Federal gun registry records were destroyed on Halloween. The destruction supports the right to privacy (of information about personal property) and undercuts the right to know (who in the community has lethal weapons).

<http://www.dunnvillechronicle.com/2012/11/01/gun-registry-records-destroyed>

China. A businessman, Fan Jianchuan, has opened six museums about the ten year period beginning in 1966 known as the Cultural Revolution. Fan says he has six warehouses with artefacts from the period, according to an article in *Art Daily*, including “more than 100 tonnes of documents including 20,000 diaries.” “Letters on display in one of the museums tell the story of a Chinese actor who committed suicide in 1967 after prolonged beating by Red Guards,” but Fan told the newspaper that he is reluctant to “exhibit items implicating his fellow citizens in violent crimes ‘out of respect for their privacy,’” adding, “I can’t talk too much about these issues, it could bring me all kinds of problems. Above all, I need to preserve my collection.”
http://artdaily.com/index.asp?int_sec=2&int_new=58732#.UJe1PYaVySp

In an essay published in the *New York Times*, Yang Jisheng, the deputy editor of the historical journal *Yanhuang Chunqiu*, described his efforts to understand how the Great Famine, which killed an estimated 36 million people between 1958 and 1962, happened and why. He wrote, “Starting in the 1990s, I visited more than a dozen provinces, interviewed over a hundred witnesses, and collected thousands of documents. Since the Great Famine was a forbidden topic, I could get access to archives only under the pretext of ‘researching agricultural policies’ or ‘studying the food issue.’” http://www.nytimes.com/2012/11/14/opinion/chinas-great-shame.html?_r=0

Germany. As reported in the October *HRWG News*, the destruction by the security services of documents related to members of a neo-Nazi group has caused an uproar. In November, a member of a parliamentary panel looking into the matter said the document shredding has brought about “a grave loss of trust in the security agencies,” the *New York Times* reported. Another member of Parliament, who is on the committee that oversees the security services, was quoted as saying, “We’re not talking about two pages or even 10 pages, but entire folders full of documents. We don’t want to speculate, but the assumption and the fear is that something was in those files we weren’t supposed to know about.”
<http://www.nytimes.com/2012/11/09/world/europe/german-woman-charged-in-neo-nazi-crime-rampage.html?pagewanted=all>

Iraq. *American Libraries* featured an article on the continued struggles to rebuild Iraq’s educational and cultural institutions. The National Library and Archives is located across the road from the main headquarters of the Iraqi army, and the NLA employees “have been particularly vulnerable to insurgent attacks,” according to Sa’ad Eskander, who directs NLA. “These attacks also affect the lives of some of my staff . . . their sons, brothers or sisters have been injured. The army headquarters was attacked twice viciously by terrorists in 2011. We were trapped, unable to evacuate our building for more than four hours.”
<http://americanlibrariesmagazine.org/features/11282012/terror-has-not-withdrawn-daily-life-librarians-iraq>

Mexico. Mexico’s attorney general compiled a list of more than 25,000 persons who have disappeared in the past six years, the *Washington Post* reported. The list, based on “data sets submitted by state prosecutors and vetted by the federal government but never released to the public,” was leaked to the press “by government bureaucrats frustrated by what they describe as a lack of official transparency and the failure of government agencies to investigate the cases.” The list is a first step in creating a national database of the missing, but Human Rights Watch

called it a “half-baked effort” with inaccurate and incomplete information.

http://www.washingtonpost.com/world/the_americas/mexicos-crime-wave-has-left-up-to-25000-missing-government-documents-show/2012/11/29/7ca4ee44-3a6a-11e2-9258-ac7c78d5c680_story.html

Myanmar. Government officials are conducting “a painstaking, census-like operation aimed at verifying the citizenship” of Rohingya Muslims living in Rakhine state, reported a team of journalists for the *Associated Press*. Conflict over who qualifies as a citizen of Myanmar has resulted in the deaths of nearly 200 Rohingya in Rakhine in the last five months and 110,000 more have fled the state. Myanmar law says that anyone whose “forefathers” lived in Myanmar prior to independence in 1948 “has the right to apply for citizenship,” but the article points out, “Discrimination has made it hard to obtain key documents like birth certificates.” Myanmar’s 1982 citizenship law excluded the Rohingya from the nation’s 135 recognized ethnicities, and the journalists reported that the government officers they saw completing the survey forms automatically listed the Rohingya as “Bengali” or “Bengali/Islam,” not Rohingya. Protecting the records of the survey is a critical responsibility for the archives of Myanmar.

http://www.washingtonpost.com/world/asia_pacific/ap-exclusive-myanmar-launches-operation-to-verify-citizenship-of-muslims-in-strife-torn-west/2012/11/30/a6256ea2-3abe-11e2-9258-ac7c78d5c680_story.html

Norway. Video from surveillance cameras in and around Norway’s government headquarters captured images of the July 2011 detonation of a car bomb by Anders Breivik. The footage was shown during Breivik’s trial, and in November it was shown on Norway’s public television service NRK, reported the *Huffington Post*. Video from surveillance cameras is useful documentation for many kinds of cases, including human rights ones.

http://www.huffingtonpost.com/2012/11/26/anders-breivik-video_n_2192220.html?view=screen

Rwanda. Records of the gacaca courts, the system of community justice employed in the wake of the genocide, are in peril, according to lawmakers on Rwanda’s Unity and Human Rights Committee, as reported by *The New Times*. The gacaca files (18,000 boxes containing paper and videos of 1.9 million cases) are stored in a building at the national police headquarters. The building is leaking, shelving is inadequate, and according to a “senior police official,” “even if you stored beans in here they would be destroyed in a week’s time because of humidity.”

Thanks to James Simon for forwarding this alarming article.

<http://www.newtimes.co.rw/news/index.php?i=15183&a=60936>

Serbia. At a roundtable discussion held at Belgrade’s Center for Cultural Decontamination, a university professor who was previously a police officer said that the role of Serbia’s federal army, the JNA, during the Balkan wars “cannot be interpreted as long as the archives of the army remain a state secret,” *BIRN* reported. Echoing the professor, a Belgrade film director argued that “secret JNA files are one of the main reasons why its members were not prosecuted for war crimes in front of national courts.” <http://www.balkaninsight.com/en/article/role-of-jna-in-the-1990s-wars-still-remains-unclear>

South Africa. At the International Conference on Liberation Archives, the National Heritage Council urged South Africans around the world to “come forward with historical archival

material from the liberation struggle.” The premier of the Eastern Cape said, “The work of archiving the history of the liberation struggle has never been more urgent as we run the risk of having a distorted history told to our children, if it’s not already being told,” and the national chairwoman of the African National Congress argued, “By telling and recording our undiluted stories of the liberation struggle, we seek to find forgiveness on the basis of which healing can naturally flow.” <http://www.dispatch.co.za/nhc-to-take-stock-of-liberation-struggle-heritage/>

South Korea. Five nuclear reactors were found to have forged safety certificates, and two were shut down. Thousands of parts are being inspected, amid growing fears for the public safety of nuclear power, *Al Jazeera* and other media reported. <http://www.aljazeera.com/news/asia-pacific/2012/11/201211964328912793.html>

Sweden. In a good demonstration of the significance of business records for human rights, Ikea announced that a report it commissioned from the auditors Ernst&Young found that Ikea “knowingly benefited from forced labor in the former East Germany to manufacture some of its products in the 1980s,” the *New York Times* reported. The investigators reportedly examined “20,000 pages of internal Ikea records, as well as 80,000 pages of documents from federal and state archives.” The East German victims’ group DDR-Opfer-Hilfe criticized the report, noting that Ernst&Young does not have academic experience with research into dictatorships. <http://www.nytimes.com/2012/11/17/business/global/ikea-to-report-on-allegations-of-using-forced-labor-during-cold-war.html>

United Kingdom. Prime Minister David Cameron appointed an independent investigator to determine whether previous investigations into child abuse in north Wales in the 1970s and 1980s had been thorough. The allegations of abuse involved almost 40 children’s homes. An investigation commissioned by the Clwyd County Council reported in 1994, but the report was never published and apparently the investigators were denied access to relevant records. A second inquiry, ordered by the U.K. government, began in 1996 and reported in 2000 but is also believed not to have had access to all the available evidence. Access to the records of the two previous inquiries, whichever archives may hold them, will be important for the new review. <http://www.bbc.co.uk/news/uk-20204687>; <http://www.independent.co.uk/news/uk/crime/the-jillings-report-how-the-truth-about-north-wales-child-abuse-scandal-was-suppressed-8303903.html>

United States. Pfizer Inc., which calls itself the world’s largest research-based pharmaceutical company, is being sued by investors in the company, who accuse Pfizer of making misleading statements about the safety of two of its arthritis drugs, Celebrex and Bestra. According to *Bloomberg.com*, the lawyers for the plaintiff say Pfizer “destroyed documents about the development” of these drugs and originally denied “the existence of electronic databases containing millions of files about the medicines.” Pfizer counters that they have turned over to the plaintiffs “more than 60 million documents” and did not mislead them about relevant electronically stored material. <http://www.bloomberg.com/news/2012-11-21/pfizer-destroyed-arthritis-drugs-files-investors-claim.html>

Two separate articles point up the complicated issues that arise with the use of digital medical records. The first article features a woman who has a device implanted in her heart that records and stores data on her heart rhythm, downloads the data wirelessly and sends it to Medtronic, the company that manufactured the implant. The woman can get the data only from her doctor. Medtronic says Federal rules say it can only give the data to doctors and hospitals but not to patients. The *Wall Street Journal* quoted the woman as saying, “This is my health information. They are collecting it from my chest,” and she wants to get it directly, not via a health professional. At the same time, a “senior Medtronic executive” called this kind of data “the currency of the future,” and Medtronic “is contemplating selling the data to health systems or insurers that could use it to predict diseases and possibly lower their costs.”

http://online.wsj.com/article/SB10001424052970203937004578078820874744076.html?mod=ITP_pageone_0

The second story, from *Tampa Bay Online*, reported that in Florida the creation an electronic medical record exchange “intensified tensions between local hospitals and doctors, both of whom want control of patient health information.” One doctor, who belongs to a “for-profit record exchange” worries that the control of records is shifting away from physicians, saying, “At the end of the day, we’re talking about a virtual room of records. It’s coming; that’s inevitable. We’re trying to manage the tsunami.” For-profit companies are “swarming” into the health information technology industry, where there “could be a market for selling clusters of aggregated patient data to insurance companies, employers, even medical research companies trying to decide what new drug or device would be a big seller.” A patient privacy rights advocate said the electronic medical records transition is turning the health care industry into a “surveillance economy”: “They are, by god, going to do it whether patients want it or not, because they want the money,” she said. She urged patients to download data about themselves and make sure it is accurate: “Then at that point you don’t have to belong to a health information exchange. You can keep your own damn records.”

<http://www2.tbo.com/lifestyles/health-4-you/2012/nov/18/millions-at-stake-with-digital-medical-record-hurd-ar-568903/>

Pro Publica published a major investigative report that found that U.S. military “field records from the wars in Iraq and Afghanistan, needed to document combat injuries, disability claims, and the simple history of both wars, were never kept, were destroyed or simply cannot be found.” <http://www.propublica.org/article/lost-to-history-missing-war-records-complicate-benefit-claims-by-veterans> For a follow up set of questions and answers on the story, see <http://gantdaily.com/2012/11/15/how-did-military-units-lose-combat-records-in-war-on-terror/>

Emails obtained by the *Associated Press* from the Department of Defense through the Freedom of Information Act provided some details on the burial at sea of Osama bin Laden. However, the Defense Department said it could not locate “photographs or video taken during the raid” or a “death certificate, autopsy report or results of DNA identification tests for bin Laden.” The Press said it is appealing that response. <http://abcnews.go.com/Politics/wireStory/internal-emails-offer-details-bin-laden-burial-17781127>

The scandal of the month in the United States involved an extra-marital affair between the head of the Central Intelligence Agency and his biographer. For an account of the email records and

technology that were involved in the discovery of the affair, see *The Atlantic's* "Email Location Data Led to the Discovery of the Petraeus Affair."

<http://www.theatlantic.com/technology/archive/2012/11/how-gmails-location-data-outed-petraeus/265093/>

South Carolina. The state announced that in a cyber attack 3.8 million Social Security numbers, 387,000 credit and debit card numbers, and information on 1.9 million dependents and nearly 700,000 businesses were stolen between August and October. The hackers broke into the state's Department of Revenue "by sending state employees spam e-mail that contained an embedded link. If employees clicked on the link, software was activated on their computers that stole their user names and passwords." The hackers then logged in as employees and took the data, the *New York Times* reported. http://www.nytimes.com/2012/11/21/us/more-details-of-south-carolina-hacking-episode.html?_r=0&gwh=35014EEAC3723B43AB6EC4D67636C8CD

Publications and announcements.

The Armenian National Archives published *Armenian Genocide in the Ottoman Turkey: Testimonies of the Survivors*. The three-volume book includes accounts of witnesses to the events that were collected by the Baku Committee of the Armenian Revolutionary Federation in 1916, as well as other archival documents, maps and photos, according to *Public Radio of Armenia*. <http://www.armradio.am/en/2012/11/28/armenian-national-archive-published-the-testimonies-of-genocide-survivors/>

The South African History Archives published *Between Life and Death: Stories from John Vorster Square – A Guide for Educators* as a free download on its website. The publication is based on a DVD which provides "a virtual walk through the police cells of the 10th floor of South Africa's most notorious police station, where the security forces reigned in apartheid South Africa" and includes "interviews with former detainees and security police as well as photographs, press clippings, drawings and other archival materials." To purchase a copy of the guide and DVD, email info@saha.org.za.

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