

HRWG ica

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

January 27 is the International Day of Commemoration in memory of the victims of the Holocaust

News of December 2012

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The following is the fifth 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 4. Institutions holding archives ensure that restrictions on access are clear and of stated duration, are based on pertinent legislation, acknowledge the right of privacy and respect the rights of owners of private materials.

Archivists provide the widest possible access to archives, but they recognize and accept the need for some restrictions. Restrictions are imposed by legislation or by institutional policy, either of the archival institution or its parent body, or by a donor. Archivists ensure that the access policies and rules for their institution are published so that the restrictions and the reasons for them are clear to members of the public.

Archivists seek to limit the scope of restrictions to those imposed by law or to identified instances where a specific harm to a legitimate private or public interest temporarily outweighs the benefit of disclosure at the time. Restrictions are imposed for a limited period, either for a specified period of years or until a specified condition, such as the death of a person, has occurred.

General restrictions apply to all the archival holdings; as appropriate to the nature of the institution, they cover the protection of privacy, safety, investigatory or law enforcement information, commercial secrets, and national security. The scope and duration of the general restrictions must be clear.

Specific restrictions apply only to designated bodies of institutional records and personal papers; they apply for a limited duration. A clear statement of the specific restriction is included in the public archival description of the designated materials.

Access to donated records and personal papers is limited by the conditions established in the instrument of transfer such as a deed of gift, a will, or an exchange of letters.

Archivists negotiate and accept donor restrictions on access that are clear, of limited duration and can be administered on equitable terms.

Archivists are committed to the principle that everything in their holdings will eventually be available for reference use, but archivists equally understand the need to strike a balance between the public's right to know and the need for confidentiality. The result of this balancing may be to close some research materials to public access for some period of time. Provenance is the key to determining access: whether these are the records of the institution of which the archives is a part, with a further distinction between public and private institutions; donated records of another institution; or donated personal materials. Five access concept categories are common to all these sources: privacy, business information, personnel data, investigative information, and statutory restrictions, which in the case of government records may include national security information.

No restriction endures forever. Restrictions either are in force for a specific period or until an event happens or until the passage of time is such that no harm will come from the disclosure. Here is a contemporary example of the problem of indefinite restrictions. The truth commission of El Salvador, which published its report in 1993, transferred its records to the United Nations in New York where they are in the custody of the Secretary-General but held by the UN Archives and Records Management Section. The records are closed to use, with no procedure for making them available to anyone and no time limit on the restriction. Now that the El Salvador government is required by the Inter-American Court to account for its activities in the El Mozote massacre (see item below), these closed records are an extremely important source for further action. But how will they be made available?

Clarifying definitions is important, too; concepts such as privacy are culture-specific, and their application needs to be clearly articulated to researchers. In a recent case, a Russian researcher and an archivist who provided records to him were arrested in 2009 for violating "personal and family secrets" when researching the deportation and fate of 5000 ethnic Germans who were sent to the gulags between 1945 and 1956. The case turns on what the terms "personal secret" and "family secret" mean. Memorial, a human rights organization in Russia, reported that its researchers are finding access further restricted in the wake of the case, which is on appeal to the European Court of Human Rights.

Restricting records is making judgments. It is a matter of knowing the applicable law (and its interpretation) and institutional policy, the transfer agreement and donor agreement, looking carefully at the materials, doing research to find out how much is already in the public domain about the subject of the items, understanding the context, and finally deciding. It is a fundamental professional task.

HRWG News. With this issue, *HRWG News* begins its fourth consecutive year of monthly publication. Thank you to those who translate (particularly Cristina Bianchi and Roman Lescano), to those who post and distribute the issues, to everyone who sends news, and to all of you who read the issue and pass it on to others. Happy New Year!

International news.

Inter-American Court of Human Rights/ El Salvador. Between December 9 and 13, 1981, more than 1000 Salvadorans from the community of El Mozote were massacred by Salvadoran soldiers. This event is a defining event of El Salvador's civil war. In December the Inter-American Court of Human Rights ruled that the government of El Salvador is "responsible for the violation of the right to life and the right to personal integrity and private property" in the massacre. El Salvador's post-war truth commission, whose records are at the United Nations Archives in New York, found that the military carried out the massacre, but no one was prosecuted for the crime because of an amnesty law. The Inter-American court ordered a "comprehensive investigation to be conducted that includes a census of victims," reported the *ticotimes.net*.

<http://www.ticotimes.net/Current-Edition/News-Briefs/Human-rights-court-condemns-El-Salvador-for-El-Mozote-massacre-Tuesday-December-11-2012> For the Court's press release, see: http://www.corteidh.or.cr/docs/comunicados/CP_10_12.pdf

International Criminal Court. The International Criminal Court acquitted Congolese militia leader Mathieu Ngudjolo Chui of charges that he ordered atrocities in eastern Congo's Ituri district in 2003. International legal observers said that the prosecutor failed to adequately investigate the crime, *Reuters* reported. The records of the prosecutor will be very important in future assessments of whether adequate evidence was obtained and how the choice of charges to bring was made.

<http://www.reuters.com/article/2012/12/18/us-icc-congo-ngudjolo-idUSBRE8BH0AG20121218> For the Court's press release, see: http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/news%20and%20highlights/Pages/pr865.aspx

UNESCO. At its December meeting, the UNESCO Committee on the Protection of Cultural Property in the Event of Armed Conflict adopted a statement on the protection of cultural property in occupied territory, which instructs the Committee's Secretariat "to provide the Committee with in-depth study of best practices to protect and monitor the cultural property in occupied territories at the eighth meeting of the Committee in 2013." The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which is the frame of reference for the Committee, includes in the definition of cultural property to be protected "manuscripts . . . and important collections of books or archives" and buildings such as "depositories of archives." Archives should be included within the scope of the report.

http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/7-7COM-protec_occupied_terr_Azerbaijan_20121112.pdf

Bosnia/Serbia. Bosnia and Herzegovina (BiH) and Serbia signed a protocol on war crimes co-operation, the *Southeast European Times* reported. Under the terms of the agreement, the two states will exchange evidence, which will in reality mean exchanging

records. <http://www.eurasiareview.com/17122012-bih-serbia-war-crimes-protocol-sparks-debate/>

Germany/Italy. A group of historians from Germany and Italy spent four years “examining original sources to determine exactly what happened in Italy after the country’s fascist government—until then an ally of Nazi Germany—changed sides in September 1943 and negotiated a truce with the Allies,” *Spiegel Online* reported. “One historian estimates that, on average, the Germans killed 165 civilians, prisoners of war and military internees every day between September 8, 1943, and May 8, 1945.” <http://www.spiegel.de/international/europe/war-crimes-report-explores-world-war-ii-nazi-brutality-in-italy-a-874024.html>

Israel/Palestine. On December 11, Israeli Defense Forces raided the offices of three Palestinian nongovernmental organizations in Ramallah: Addameer (a prisoner support and human rights organization), the Palestinian Non-Governmental Organizations Network, and the Union of Palestinian Women’s Committee in Qadura Refugee Camp. Computers were taken; at Addameer a camera and “a number of legal files” also were taken and “case files for individual prisoners were rummaged through and left open on the desk of an advocacy offices,” according to Addameer as reported by *Mondoweiss*, which also posted a video from Wattan TV of the raid.. <http://mondoweiss.net/2012/12/israeli-army-raids-three-civil-society-offices-in-west-bank-at-3-a-m.html>

Kenya/United Kingdom. More Foreign and Colonial Office (FCO) records relating to the Mau Mau in Kenya in the 1950s were released by the National Archives at the end of November. (For background see *HRWG News* April 2011 and April 2012). The Archives’ description of the Kenya records and the many others that form part of the 8800 files included in the FCO transfer, which the Archives terms “Colonial administration records (migrated archives)” is found at <http://www.nationalarchives.gov.uk/documents/migrated-archives-4-guidance.pdf> The release was covered by many media; see, for example, <http://www.guardian.co.uk/world/2012/nov/30/maumau-massacre-secret-files>. Late in December, Katie Engelhart of *Maclean’s* published a long review of the lawsuit and the records at <http://www.thisissierrealeone.com/rule-britannia-empire-on-trial/> <http://www.nationalarchives.gov.uk/documents/migrated-archives-4-guidance.pdf>

General. “International authorities, with some help from Facebook, have arrested 10 people accused of operating a network of infected computers that stole personal information from millions of victims,” the *New York Times* reported. Persons arrested were from Bosnia and Herzegovina, Britain, Croatia, Macedonia, New Zealand, Peru and the United States. An estimated 11 million computers were infected by the computer virus spread by the accused. http://www.nytimes.com/2012/12/13/technology/10-arrested-in-social-network-hacking.html?_r=0

A study based on “analysis of 2500 different data sources, including censuses and demographic surveys of children and adults in 232 countries” found that in 2010 “about one in every six people worldwide” had no religious affiliation, reported the *New York Times*. The study, released by the Pew Research Center, notes that “unaffiliated” is the third-largest group worldwide. The study also found that “about one-fourth of the world’s population lives in countries where they are a religious minority.”

<http://www.nytimes.com/2012/12/18/world/pew-study-finds-one-in-6-follows-no-religion.html>; for the study see <http://www.pewforum.org/global-religious-landscape.aspx>

National news.

Australia. A researcher at Edith Cowan University found that “most people” who sold old digital storage devices leave personal and private information on them. The researcher purchased 78 memory cards online; more than half of them “showed no evidence that the previous owners had attempted to remove data” and they contained “credit card details . . . government documents, sexual images and homemade pornographic videos,” according to a story in *WAtoday.com.au*. A study of USB sticks had similar results; one had “890 documents from an Australian university which included bank account details, education history and identifying details of students at the university as well as their computer login details.” <http://www.watoday.com.au/wa-news/homemade-sex-tapes-and-identity-details-sold-on-old-digital-devices-20121130-2am5i.html>

Bangladesh. In 2010 Bangladesh established a tribunal to try those accused of war crimes during its 1971 war of separation from Pakistan. The chairman of the tribunal resigned in December, and over 230 of his e-mails and over 17 hours of recorded telephone calls he made were published on YouTube. *The Economist* reviewed all the documents and concluded “that, taken together, the material shown to us raises legitimate questions about due process.” The crisis continues over the future of the tribunal; *The Economist* says there is “a risk not only of a miscarriage of justice affecting the individual defendants, but also that the wrongs which Bangladesh has already suffered will be aggravated by the flawed process of the tribunal.”

<http://www.economist.com/news/briefing/21568349-week-chairman-bangladeshs-international-crimes-tribunal-resigned-we-explain>; for a review of the tribunal, see http://www.foreignpolicy.com/articles/2012/12/21/the_midlife_crisis_of_bangladesh?print=yes&hidecomments=yes&page=full

Barbados. The government established a 12-person Reparations Task Force, announced the website of the Barbados Government Information Service. The government “supports the argument that reparations should be made to the people of African descent in the Caribbean;” the government plans to establish a national museum on slavery and a center for reparations research. Archival records will be central to this research project. <http://overseasreview.blogspot.com/2012/12/barbados-government-establishes.html>

Bosnia. The Council of Ministers asked the Parliament to adopt a new law on refugees with the “primary aim” of ensuring “that the housing needs of all returnees are taken care of,” *BIRN* reported. The law would require the Ministry for Human Rights and Refugees to create a country-wide list of returnees and internally displaced persons, which are believed to number around 10,000. This list would be a key record of the continuing displacement problem that persists almost 20 years after the end of the war in Bosnia. http://www.balkaninsight.com/en/article/new-bosnian-refugee-law-proposed?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=23a64a549f-RSS_EMAIL_CAMPAIGN&utm_medium=email

Canada. The Truth and Reconciliation Commission (TRC) has turned to the court to compel the federal government to give the TRC records related to the 150 year existence of Indian residential schools, including records of the Royal Canadian Mounted Police. <http://aptn.ca/pages/news/2012/12/03/rcmp-files-records-of-missing-children-graves-may-never-surface-if-ottawa-wins-battle-with-trc/>; for the TRC’s press release and fact sheet, see <http://www.myrobust.com/websites/trcinstitution/File/pdfs/TRC%20MEDIA%20ADVISORY%20%20FAQs%2019%20Dec%202012.pdf>

Robert Pickton murdered at least 49 women before his arrest in 2002, and at least another 18 disappeared in British Columbia, mostly from Vancouver. A commission of inquiry into the police handling of missing persons reports on the women has now released its findings in *Forsaken: The Report of the Missing Women Commission of Inquiry*. The nearly 1500 page report provides an overview of the recordkeeping of the police and the process of using the information collected; it points to the problems caused by poor recordkeeping and the failure of police agencies to coordinate and share information. The report has been sharply criticized by women’s group for not addressing social and economic problems, sexism and racism. <http://www.theprovince.com/news/Oppal+calls+regional+Vancouver+police+force/7712121/story.html>; <http://theyee.ca/News/2012/12/18/Missing-Women-Report/>; for the executive summary of the report, see <http://www.cbc.ca/bc/news/bc-121217-mwi-part1.pdf>

Croatia. The government published a registry of veterans of the 1991-1995 war, listing just over 500,000 persons. *Balkan Transitional Justice* noted the register, an election promise of the Prime Minister’s coalition, was important because “many veterans claim that a lot of other people either exaggerated or lied about their involvement in the war in order to obtain the material privileges provided by law for former war veterans.” However, “within two hours of the registry being published about 10,000 people had contacted the Veterans Ministry to complain about false fighters still on the list.” http://www.balkaninsight.com/en/article/croatia-publishes-war-veteran-s-registry?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=4040d647c3-RSS_EMAIL_CAMPAIGN&utm_medium=email

Kenya. The Chief Justice announced the creation of the International Criminal Division (ICD) of the High Court that will try cases of crimes against humanity and other

international crimes, including money laundering and terrorism, *The East African* reported. A special prosecutor will handle the cases before the court. Unfortunately, it may have work immediately, because 39 people were killed in late December “when farmers raided a village of herders in southeastern Kenya . . . in renewed fighting between two communities with a history of violent animosity,” according to the Kenya Red Cross. Managing the records of the special court and special prosecutor will be both important and sensitive. <http://www.theeastafrican.co.ke/news/International-crimes-to-be-tried-locally/-/2558/1634454/-/view/printVersion/-/aqkfl1/-/index.html> Kenya Red Cross report at https://www.kenyaredcross.org/index.php?option=com_content&view=article&id=428&Itemid=124

Malaysia. The National Archives Department plans to digitize three million pages of documents and 2,000 hours of film, video and audio records and begin to make them available online next April. *The Sun Daily* quoted the Minister of Information, Communications and Culture as saying “that access to the contents will help to educate the public on events which have shaped the nation’s history, including the 1985 Memali incident [a police action that left 14 villagers and 4 police dead and 36 persons arrested] and the racial riots of May 13, 1969.” <http://www.thesundaily.my/news/558046>

Mali. The civil war in Mali is threatening the safety of the unparalleled collection of Arabic and African manuscripts in Timbuktu, which have been the focus of digitization and preservation efforts by countries from South Africa to Luxembourg. According to an article in *The Globe and Mail*, Timbuktu’s manuscripts are at risk from fighting, destruction by militants, theft by looters, and deterioration by pests and the environment. Private owners of manuscript reportedly have hidden them, “buried them in sand, or smuggled them to villages.” Digital copies have been carried out of Timbuktu, but of the estimated 700,000 manuscripts dating back to the 13th century, only “a tiny fraction” has been digitized, making this an incomplete rescue. <http://www.theglobeandmail.com/news/world/the-secret-race-to-save-timbuktus-manuscripts/article6763747/>

Mexico. The November 2012 issue of *HRWG News* reported that the attorney general of Mexico compiled a list of 25,000 persons who have disappeared in the last six years. Now Propuesta Civica, a nongovernmental organization, posted on its website “details on 20,851 missing people that it says were collected by the federal attorney general’s office” giving detail such as name, age, gender and date and place where the person disappeared. Propuesta Civica says it got the database from a *Los Angeles Times* reporter after the previous story appeared according to *ABC News*. There seems to be no explanation of the difference between the two lists of over 4000 persons. <http://abcnews.go.com/International/wireStory/20000-missing-mexico-past-years-18032168#.UNR3K29fDng>

Nepal. The International Center for Transitional Justice published a briefing paper, “Seeking Options for the Right to the Truth in Nepal.” It recommends that the government restart a truth commission process (Nepal has already had two), but points

out that “civil society does not need to wait for official action to implement truth seeking, documentation, and memorialization.” Additionally, it recommends creating a legal framework to facilitate access to information; echoing the UNHCHR’s Principles Against Impunity and the sixth principle of the ICA’s *Principles of Access to Archives*, it concludes, “No reasons of state security should be accepted as grounds for the denial of information on human rights violations, and Nepal should commit adequate resources for the effective preservation and use of archives.” <http://ictj.org/sites/default/files/ICTJ-Briefing-Paper-Nepal-Ordinance-Dec-2012-ENG.pdf>

Russia. Three years ago a lawyer, Sergei Magnitsky, died after a year in prison where he had been held after trying to expose a government tax fraud. His supporters claimed he was denied proper medical care in prison for life-threatening conditions, and prosecutors subsequently charged the doctor who oversaw his treatment (the charges were later dropped) and the chief medical officer of the prison. The Magnitsky family’s lawyer argued that the medical officer “signed prison records declaring Mr. Magnitsky fit to remain imprisoned despite his repeated complaints about needing medical care,” reported the *New York Times*. In late December the medical officer was acquitted. At the same time, the United State Congress passed a law, which was signed by the president in mid-December, barring Russian human rights violators from entering the U.S. and freezing their assets; it is known as the “Magnitsky bill.” In apparent retaliation, the Russian government adopted an act barring Americans accused of violating the rights of Russians and prohibiting Americans from adopting Russian children.

http://www.nytimes.com/2012/12/25/world/europe/russian-prosecutor-seeks-acquittal-in-magnitskys-death.html?_r=0; http://www.huffingtonpost.com/2012/12/25/sergei-magnitsky-case-pro_n_2362988.html

Spain. In late November, the government of Spain announced the Right of Return for Sephardic Jews, an immigration reform designed to speed the existing naturalization process for persons who descend from Jews expelled from Spain in 1492. The government announced that applicants would only have to present a certificate confirming their ancestry to claim a Spanish passport, but that certificate must be issued by the Federation of Jewish Communities of Spain. For Spanish Jews who converted to Christianity by force, the Federation requires the applicants to “seek religious training and undergo formal conversion to Judaism” before it will issue the certificate. In the future, research into citizenship of Jewish Spaniards will require the use of the records of both the government and the Federation. After the change was announced, various Muslim writers argued that Spain should make a similar provision for the descendants of the Muslim population that was expelled from Spain beginning in 1609.

<http://www.nytimes.com/2012/12/09/sunday-review/a-tepid-welcome-back-for-spanish-jews.html>; <http://www.gatestoneinstitute.org/3509/spanish-citizenship-jews>

Tajikistan. *Radio Free Europe/Radio Liberty* “obtained multiple videos from relatives of a group of prisoners” in a Tajik jail that show inmates with severe bruises who say they were beaten by law-enforcement officers. <http://www.rferl.org/content/tajikistan-prisoner-abuse-video-footage/24797911.html>

United Kingdom/Northern Ireland. The 1989 killing of Patrick Finucane, a lawyer in Belfast, Northern Ireland, was brazen even by the standards of Northern Ireland's "Troubles": he was shot by Protestant paramilitary gunmen while sitting at his Sunday dinner table with his wife and three children. In 2011 the U.K. government appointed human rights lawyer Desmond da Silva to "produce a full public account of any involvement by the Army, the Royal Ulster Constabulary, the Security Service or other UK Government body in the murder of Patrick Finucane." Da Silva was given access to "all Government papers," including the records of three previous reviews that assembled "12,000 witness statements, 32,000 documents and, in all, over a million pages of material," to which he added records obtained from all the organizations cited in the terms of reference and other government departments. Da Silva's report, published in December, outlined significant government involvement in the assassination; key documents were published as the second volume of his report. The Prime Minister, upon receiving the report, called the findings "shocking" and apologized to the Finucane family; however, he said he would not order a public judicial inquiry based on the findings. The media reported that Mr. Finucane's widow bitterly rejected the findings, saying that they protected high-ranking figures in the government of Margaret Thatcher, who was prime minister at the time of the killing.

<http://www.guardian.co.uk/uk/2012/dec/12/david-ferguson-pat-finucane-murder>

For the report, see <http://www.patfinucanereview.org/report/volume01/executive-summary-and-principal-conclusions/>

United States. The Ponemon Institute released its Third Annual Benchmark Study of Patient Privacy and Data Security. It reports that more healthcare organizations are experiencing multiple data breaches, that insider negligence is the primary cause of breaches, medical identity theft occurs and can affect patient treatment, and that trends in the use of mobile and employee owned devices put patient data at risk.

<http://www2.idexperts.com/ponemon2012/>); for a summary see

[http://www.infolawgroup.com/2012/12/articles/uncategorized/ponemon-study-on-patient-privacy-highlights-security-failings/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+InfoLawGroup+\(Info+Law+Group\)](http://www.infolawgroup.com/2012/12/articles/uncategorized/ponemon-study-on-patient-privacy-highlights-security-failings/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+InfoLawGroup+(Info+Law+Group))

In the wake of a school shooting in Connecticut that left 26 people dead, the U.S. is revisiting its federal gun laws. Currently the Bureau of Alcohol, Tobacco and Firearms (ATF), the federal agency charged with enforcing federal firearms regulations, is prohibited from creating a federal registry of gun transfers, whether by sales or gift. When a firearm is recovered by a federal law enforcement officer, the agency must contact the "manufacturer, then the wholesaler and finally the dealer to search their files to identify the buyer of the firearm," reported the *New York Times*. "About a third of the time, the process involves digging through records sent in by companies that have closed, in many cases searching by hand through cardboard boxes filled with computer printout, hand-scrawled index cards or even water-stained sheets of paper." In certain cases, a gun may not be sold until the seller checks with the Federal Bureau of Investigation (FBI) to see if the potential purchaser is in a database of people who are not authorized to have weapons. The problem, said the *New York Times*, is that the FBI's database is incomplete

“because the system is voluntary; the Supreme Court ruled in 1997 that the federal government cannot force state officials to participate in the federal background check system. As a result, when a gun dealer asks the FBI to check a buyer’s history, the bureau sometimes allows the sale to proceed, even though the purchaser should have been prohibited from acquiring a weapon, because its database is missing the relevant records.” The records of both the ATF and the FBI go to the National Archives.

<http://www.nytimes.com/2012/12/26/us/legislative-handcuffs-limit-atfs-ability-to-fight-gun-crime.html?pagewanted=all>, <http://www.nytimes.com/2012/12/21/us/gaps-in-fbi-data-undercut-background-checks-for-guns.html?pagewanted=all&gwh=4AE751CC816DE459B835C34802452FF4>

Records obtained by Partnership for Civil Justice Fund, a civil rights organization, through the Freedom of Information Act show that the FBI monitored the Occupy Wall Street movement, a protest movement focusing on social and economic inequality. The executive director of the Partnership said, according to the *New York Times*, “The collection of information on people’s free-speech actions is being entered into unregulated databases, a vast storehouse of information . . . people do not know when or how it may be used and in what manner.”

<http://www.nytimes.com/2012/12/25/nyregion/occupy-movement-was-investigated-by-fbi-counterterrorism-agents-records-show.html?gwh=2F619022DE7C44448EDF41ABFD6BE7F1>

The Donaldson Adoption Institute released a report on the impact of the Internet on adoptions. It found that “finding birth relatives is becoming increasingly easy and commonplace” through Internet searches, leading it to conclude: “Laws that impede the parties to adoption from gaining significant information, including ‘closed record’ statutes, should be repealed since the internet obviates their main contemporary rationale (i.e., preventing the affected parties from learning about and finding each other).”

http://www.adoptioninstitute.org/research/2012_12_UntanglingtheWeb.php

New York. Thanksgiving Day (the fourth Thursday in November) is celebrated in New York City with a parade sponsored by Macy’s department store. This year, *Businessinsider.com* reports, “confidential information from the Nassau County Police Department, including social security numbers and banking information for department employees, was found shredded among the confetti” thrown during the parade.

<http://www.businessinsider.com/police-records-in-macys-parade-confetti-2012-11>

Oklahoma. A federal court ruled that descendants of slaves once owned by members of the Cherokee Nation can sue the current chief in an attempt to restore their tribal memberships. An 1866 treaty between the United States and the Cherokee Nation guaranteed the former slaves all tribal rights, including the right to vote. However, in 2007 the Cherokee Nation amended its constitution to require all tribal citizens to have a Native American ancestor listed on the Dawes Roll as a “Cherokee by blood” (the Dawes Roll is a list of tribal members established by the Dawes Commission between 1898 and 1907). Both the treaty and the Dawes Roll are held in the National Archives.

<http://bigstory.ap.org/article/court-lets-slaves-descendants-sue-cherokee-chief>; for the

decision of the court, see

[http://www.cadc.uscourts.gov/internet/opinions.nsf/FB6C7CE08F13EA7185257AD40055B702/\\$file/11-5322-1410104.pdf](http://www.cadc.uscourts.gov/internet/opinions.nsf/FB6C7CE08F13EA7185257AD40055B702/$file/11-5322-1410104.pdf)

Publications.

The Latin American and Caribbean network of transgender people (REDLACTRANS) and the International HIV/AIDS Alliance published a report on the human rights violations of transgender women in Latin America. *The Night Is Another Country* analyses the testimonies of 55 transgender women human rights defenders and HIV activists in several Latin American countries, with a focus on Guatemala and Honduras. The notes and audio recordings of the interviews are held by the International HIV/AIDS Alliance, again pointing out the importance of records of civil society organizations for the work of human rights advocacy. A link to the report, which is available in Spanish and English, is <http://www.corresponsalesclave.org/2012/12/transgender-report.html> Thanks to Monica Leonardo Segura, the author of the report, for this information.

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