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Commentary.

Courtland Milloy, a columnist for the Washington Post recently asked, “Does it have to be on video to get us to do the right thing?” He discussed the cellphone video of a man who jumped the White House fence, the business surveillance video that recorded the last image of a university student who then disappeared, the “body cameras” that black youths in Ferguson, Missouri, have begun wearing to “record their encounters with police” (in Ferguson an unarmed black teenage boy was fatally shot by police last August), an elevator surveillance camera that showed a professional football player knocking out his fiancé, and ISIS-made videos of its members beheading captives. But, he noted, for domestic crimes, including when parents murder children, usually no video images catch the violence.

http://www.washingtonpost.com/local/2014/09/23/756b7750-4365-11e4-9a15-137aa0153527_story.html

This issue of *HRWG News* is full of references to videos. As records that might be used to prosecute crimes or protect human rights, videos will be weighed for their evidential value by prosecutors and judges. Their acceptability will vary: video from a “neutral” camera in a place of business may be found credible; videos from official cameras worn by police officers and mounted on police vehicles will be seriously considered, as will be the videos of police interrogations and confessions. Videos from cellphones will be harder to judge, particularly if no date or caption is included. Videos retrieved from social media—and not by the person who posted the images—will need close scrutiny. Raw television footage may be credible; edited clips shown on the air may be less so. And so on.

And every video will have to be judged forensically, for editing and deletions, manipulation and distortion. This is not new: courts have been examining documents for centuries and photographs for all of the last century. Photographs have regularly been manipulated, not only for artistic purposes but for political ones: see, for famous examples, the book by David King, *The Commissar Vanishes: The Falsification of Photographs and Art in Stalin’s Russia*.

But what is new is the volume of images. As cameras proliferate in the justice sector, particularly with police forces, archivists will be faced with appraisal decisions on vast amounts of image material. Videoed confessions are one thing; a videoed interrogation lasting hours is another. And as courts increasingly record their sessions on video, archivists for the courts will have to decide which videos of which trials to retain. Think of the situation of a video of a court hearing where the video of an interrogation is shown: should both the interrogation video in the records of the police and the video in the records of the court be retained?

No doubt digital video is the mode of evidence today and in the near future. As we appraise records of the justice system where video images are replete, we archivists really do have to make up our minds about the long term value and the costs that will be involved in the preservation of this important flood of records. To change the columnist’s question: If it is on video, what is the right thing to do?

Note: The annual meeting of the International Council on Archives runs concurrently with the 13th meeting of the Image and Research Seminar sponsored by Girona’s Centre for Image Research and Diffussion, giving persons attending the ICA meeting the opportunity to engage specialists in discussions of the digital medium.

News of the Human Rights Working Group. The Human Rights Working Group will hold an open meeting on Sunday, October 12, at 9 AM in Room 2 at the International Council on Archives conference in Girona, Spain. Topics to be discussed include the draft “Basic Principles on the Role of Archivists in Support of Human Rights,” a standard agreement on copying archives and exporting copies, business archives and human rights, and reports of non-ICA projects involving archives and human rights.

An open forum on the “Basic Principles” will be held on Tuesday, October 14, at 12:50 in Room 7. This is an opportunity to ask questions and discuss the document with Giulia Barrera and Trudy Peterson.

International news.

African Union Mission in Somalia (AMISOM). Human Rights Watch (HRW) “interviewed 21 women and girls who described being raped or sexually exploited by Ugandan or Burundian military personnel serving with the AU forces.” HRW asked Mahamat Saleh Annadif, the head of AMISOM, “Is there a functioning database collection system that collects and tracks information on the number and type of allegations of SEA [sexual exploitation and abuse], investigations, and resolutions?” (in other words, what records exist). He replied, “Currently a data base has not been established. However, there are plans to establish the same with assistance from the United Nations.” HRW also asked how many cases of SEA have been “recorded since 2013” (answer: “we are aware of two cases”) and about the reporting of SEA by “individual Troop Contributing Countries” (answer: “Contingents are obliged to provide information to the mission headquarters”). Assuming that the AMISOM records will go to the African Union archives, it is important that the AU archives have the capability and resources to handle sensitive mission information with human rights implications. <http://www.hrw.org/news/2014/09/08/somalia-sexual-abuse-african-union-soldiers>

Extraordinary African Chambers (EAC). Chad asked the EAC to admit it as a “civil party” in the case against its former president Hissene Habre. According to the *International Justice Tribune*, “Many of Habre’s victims opposed Chad’s attempt . . . [the] victims’ lawyers warned of a risk of reprisals if Chad, as a civil party, got full access to the case files. Many former agents of the Habre regime’s ‘political police’—the Directorate of Documentation and Security (DSS)—are currently officials within the Chadian administration.” The court denied the motion on other grounds. www.justicetribune.com

Food and Agriculture Organization/International Fund for Agricultural Development/World Food Program. The three United Nations organizations issued a joint report, “State of Food Insecurity in the World.” The report found that progress against hunger was “made in almost all regions, but at very different rates.” One of the “five key dimensions of an enabling environment” is “evidence-based decision-making,” which the report explains as: “Decision-making on food security and nutrition should draw on functional information systems that monitor trends, track actions and assess impacts in a timely and comprehensive manner, deriving lessons learned to influence the policy process.” <http://www.fao.org/publications/sofi/en/>

International Criminal Court (ICC). As she did last December, the ICC prosecutor postponed the start of the trial of Kenyan president Uhuru Kenyatta because she does not have sufficient evidence from the government of Kenya. Kenya “failed to cooperate with the court’s orders to provide her with eight categories of documents: bank records, tax returns, foreign exchange records, company records, land ownership, vehicle ownership, telephone records and intelligence records,” reported the *International Justice Tribune*. www.justicetribune.com

International Criminal Tribunal for Rwanda (ICTR). Rwandans found not guilty or having served their sentence “are leery of returning home,” reported the *International Justice Tribune*, but they have not been able to relocate to other countries because they do not have travel documents from the Rwandan government. Although Rwanda’s justice minister acknowledged to the ICTR that these persons, eight in number, have the right “to acquisition of identity and travel documents,” the Rwandan embassy in Dar es Salaam refused to issue passports to them, telling them to go to Kigali to get passports, which they are afraid to do. www.justicetribune.com

Interpol. Interpol, the International Criminal Police Organization, “signed an agreement with the international Commission on Missing Persons to create an international victim identification resource that uses techniques pioneered in post-war Bosnia,” reported *BIRN*. http://www.balkaninsight.com/en/article/interpol-to-use-bosnia-victim-identification-expertise-1?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=ebee45c11d-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-ebee45c11d-311109073

Organization for the Prohibition of Chemical Weapons (OPCW). An OPCW fact-finding team issued a report on the use of chemicals in the Syrian war. According to the *New York Times*, OPCW said it had a “high degree of confidence” that chlorine was used as a weapon to attack Syrian villages in April. The findings are based on “dozens of interviews with victims, doctors, emergency medical workers and witnesses to the attacks, as well as a considerable amount of video, medical records and other documentation.” This is another international organization that has a body of records with great significance for human rights. <http://www.nytimes.com/2014/09/11/world/middleeast/watchdog-agency-concludes-chlorine-used-as-weapon-in-syria.html>

United Nations Economic and Social Commission for Asia and the Pacific. *Eurasia Review* reported that “decision makers from national statistical offices, central banks and ministries of finance from 10 countries came together to strengthen macroeconomic statistics,” noting, “From setting levels of taxation and government budgets to ensuring efficient use of resources to benefit those who need it most, reliable and accurate economic data is critical.” http://www.eurasiareview.com/04092014-statistical-evidence-key-guiding-economic-policy-asia-pacific/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

United Nations Human Rights Council. The Human Rights Council received a report from the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of no-recurrence and held a “clustered interactive dialogue” with him, during which Brazil noted it “implemented measures to promote the right to truth and mechanisms to cooperate with neighbouring countries with the exchange of documents necessary to ensure truth, justice and reparation.” The Council also held a panel discussion on the right to privacy in the digital age. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15012&LangID=E> ; <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15017&LangID=E>

Special Rapporteur on promotion of truth. The International Committee of the Red Cross, swisspeace, and the United Nations Special Rapporteur held a two day workshop on “Archives in the Context of the Right to Know” at the ICRC headquarters in Geneva.

World/general news.

Human Rights Risk Atlas 2014. Maplecroft, a global analytics company, produced the seventh annual Human Rights Risk Atlas. It reports that the number of countries classified as “extreme risk” was 20 in 2008 but has increased to 34 in 2014, and “the Middle East and North Africa (MENA) and Africa account for the majority of this increase.” The five countries where it believes human rights are most at risk are Syria, Sudan, DR Congo, Pakistan and Somalia. <http://maplecroft.com/portfolio/new-analysis/2013/12/04/70-increase-countries-identified-extreme-risk-human-rights-2008-bhuman-rights-risk-atlas-2014b/>

Prosecution for grave crimes in Syria and Iraq. “Western governments have begun private talks aimed at coming up with fresh strategies to speed the process of judging those responsible for grave crimes in the conflicts in Syria and Iraq,” reported the *New York Times*. Iraq and Syria are not members of the International Criminal Court and a referral of them to the ICC by the UN Security Council is thought “unlikely.” The Commission for International Justice and Accountability, “led by lawyers and former military intelligence officers who have worked in international courts,” has been “collecting the kind of documents and official records needed for criminal investigations.” The head of the Commission told the *Times* the group is “collecting and analyzing evidence with a view to share trial-ready case files as well as our expertise with any legitimate judicial body, international or national.” http://www.nytimes.com/2014/09/22/world/spurred-by-isis-violence-nations-mull-how-to-press-for-justice-in-conflicts.html?_r=0

National courts and universal justice. Human Rights Watch (HRW) issued a major report on the need for national “criminal justice authorities” to work closely with immigration officials “to identify potential

suspects [of war crimes and crimes against humanity] on their soil.” But, the report notes, “Giving police and prosecutors access to immigration files does raise concerns.” HRW recommends “safeguards in how and what information can be shared, and information shouldn’t be shared until after immigration authorities have decided whether a person is entitled to refugee status. People should be told at the outset that information provided during the asylum process may later be shared with police and prosecutors” and “only information relevant to the crimes should be given to police or prosecutors, and it should only be used as investigative leads and not as actual evidence in criminal trials.”

<http://www.hrw.org/news/2014/09/18/eu-asylum-and-war-criminals-no-place-hide>

<http://www.hrw.org/reports/2014/09/16/long-arm-justice>

Syrian female refugees. The International Rescue Committee (IRC) published a report detailing the “chronic abuse and harassment experienced by [Syrian refugee] women and girls over the past three years.” Based on the “testimonies of more than 70,000 women and girls in Syria, Lebanon, Jordan, Iraq and Turkey,” the IRC said the international community has failed “to follow through on the numerous commitments it has made to protect women over the years.” Among its recommendations is that women and girls be registered “separately in camps and in urban settings, rather than solely under the registration of their husbands, to allow them access to services without being dependent on a man.” This astonishing number of interviews highlights the importance of records of nongovernmental organizations in documenting human rights issues. http://www.theguardian.com/global-development/2014/sep/18/women-girls-failed-international-response-syria?mkt_tok=3RkMMJWWfF9wsRouv6zJZKXonjHpfsX96uUkXrHr08Yy0EZ5VunJEUWY2YMJRMBoaPyQAqobGp5I5FEKS7nYUzbZ1t6MJWA%3D%3D; for the report see <http://www.rescue-uk.org/report/are-we-listening.html>

Child victims of the Nazi regime. Germany announced that it will provide one-time payments to Jewish victims who were in World War II concentration camps or ghettos or who spent at least six month in hiding while they were children, reported the *Washington Post*.

http://article.wn.com/view/2014/09/04/Germany_to_provide_funds_to_Nazis_child_victims_o/

Data breaches. A study by a U.K.-based insurance business of more than 1500 data breaches in 2013 and 2014 found “unintended consequences, such as misdirected emails and faxes, accounted for 31% of the data breaches, while the loss of paper records, which is particularly prevalent among health care organizations, accounted for 24% of the total,” *Business Insurance* reported.

<http://www.businessinsurance.com/article/20140918/NEWS07/140919847?tags={338|299|305|303#}>;

Bilateral and multilateral news.

Belgium/Liberia. Belgium arrested Martina Johnson, a “high ranking member” of the National Patriotic Front for Liberia during Liberia’s 1989-1996 civil war, and charged her with war crimes and crimes against humanity, reported the *Associated Press*. This is the first indictment for international crimes committed during that war; she is one of the over 100 persons that the Liberian Truth and Reconciliation Commission of Liberia recommended for prosecution. The records of the truth commission are stored at Georgia Institute of Technology in the United States. <http://bigstory.ap.org/article/748abb0ce6044fa0a722ae880ab776c0/belgium-arrests-liberian-ex-rebel-commander>; <http://www.library.gatech.edu/newsletters/emailnews/Spring2011/Spring2011.pdf>

Czech Republic/Slovakia. Slovakia’s National Memory Institute, which administers files of former Slovak communist regime, says that the Czech Republic has not lived up to a 2007 agreement to provide Slovakia with the files related to Slovakia that were maintained by Czechoslovakia’s communist era secret police. The Czech Institute for the Study of Totalitarian Regimes, which holds the records, says that the files have been provided and “that it would be impossible to provide only the documents that are directly connected to Slovakia since they cannot be easily separated from other documents,” reported *Sme*.

http://spectator.sme.sk/articles/view/55338/10/files_of_slovak_communist_agents_still_in_czech_republic.html

Dominican Republic/Haiti. In his speech to the United Nations General Assembly, the President of the Dominican Republic “urged the international community to support the new era between Haiti and the Dominican Republic, by helping their people receive the documents they needed to establish their countries

of origin” which is “fundamental to providing them with social services.” According to the UN’s report of the debate, the president said, “Please help Haiti document its people, both in its own territory and in the Dominican Republic” and not allow “a few technical deficiencies to be an obstacle” to block better relations. For background on the national identity question, see *HRWG News* 2013-09 and 2014-05. <http://www.un.org/en/ga/69/meetings/gadebate/24sep/dominicanrep.shtml>

Iraq/Kurdistan/United States. The University of Colorado issued a press release, announcing that a Kurdish delegation would receive an electronic copy of the Captured Iraqi Secret Police Files held by the university. The records are “Iraqi military and security information . . . seized by Kurdish rebels from Iraqi secret police stations, interrogation and torture centers, and prisons during the March 1991 uprising immediately following the Persian Gulf War” and “contain evidence of Iraq’s genocidal Anfal campaign against the Kurdish minority population in the late 1980s, including repeated use of chemical weapons.” The Kurdish copy of the records will be housed in the Zheen Archive Center in Sulaimaniyah. <http://www.colorado.edu/news/releases/2014/09/22/visiting-kurdish-delegation-receive-iraqi-secret-police-documents-cu>

Israel/United States. Forty-three veterans of Israeli Defense Forces Unit 8200 sent an open letter to their commanders and the prime minister saying that they refused to take part in further actions against Palestinians. Much of their protest centered on the way intelligence is used, writing, “In many cases, intelligence prevents defendants from receiving a fair trial in military courts, as the evidence against them is not revealed.” In an opinion piece in the *New York Times* after the letter became public, the writer said Edward Snowden told him that the United States passed to Israeli Unit 8200 the intercepted private communications of “countless Arab- and Palestinian-Americans whose relatives in Israel and the Palestinian territories could become targets based on the communications.” For the letter, see http://www.nytimes.com/interactive/2014/09/12/world/middleeast/13Israeldoc.html?_r=0; http://www.nytimes.com/2014/09/17/opinion/israels-nsa-scandal.html?_r=0

Lithuania/Russia. Records in Russia’s Defense Ministry show that 1562 Lithuanians “refused to serve in the Soviet armed forces after the republic [Lithuania] declared independence,” reported the *Transitions Online*. Russia plans to prosecute them; one has been charged so far. Lithuania says it is refusing to cooperate. http://www.tol.org/client/article/24465-ex-yugoslav-spy-masters-face-murder-trial-russia-hunts-lithuanian-draft-dodgers.html?utm_source=TOL+mailing+list&utm_campaign=aba65d3da0-TOL_newsletter_27_8_2012&utm_medium=email&utm_term=0_35d0a711b5-aba65d3da0-298065710

Lithuania/United States. On a happier note, the New York-based YIVO Institute for Jewish Research and Lithuania’s Central State Archives and National Library announced a project to digitize and merge online their pre-war archives about the life of Eastern European Jews, *delft.lt* reported. YIVO was founded in Vilnius in 1925; in 1941 the Nazis took some of its holdings to Frankfurt; in 1946 the U.S. army found the materials and took them to New York where the YIVO Institute had relocated in 1940. Also after the war, the Soviets “tried to destroy the remaining part of the archives—around 60,000 books and hundreds of pages of documents found in the rubble of the Jewish Ghetto—as part of Stalin’s anti-Jewish campaign. The archives were saved by a Lithuanian librarian who hid them in the basement of a Catholic church. The book and documents were brought to light after Lithuania restored independence.” <http://en.delfi.lt/lithuania/society/american-and-lithuanian-institutions-to-merge-jewish-archives-online.d?id=65926444>

United Kingdom/Former colonies. A reporter for *VICE* interviewed Mandy Banton, a former employee of the U.K. National Archives, about the records that the Foreign and Commonwealth Office had concealed from and not transferred to the National Archives—a breach of the U.K. Public Records Act. For background see *HRWG News* 2014-05. <http://www.vice.com/read/katie-engelhart-britains-secrets-mandy-banton-321>

National news.

Argentina. Two doctors and a midwife went on trial in Argentina, charged with falsifying birth certificates during Argentina’s 1976-1983 military dictatorship, which enabled babies born to political prisoners to be given to other families and the birth mother killed or “disappeared.” <http://www.pagina12.com.ar/diario/elpais/1-255348-2014-09-15.html>; <http://www.bbc.com/news/world-latin-america-29248974>

Australia. The National Archives restricted access to the military personnel file of the Governor-General when he was a cadet at the Royal Military College. An historian appealed to the Administrative Appeals Tribunal, arguing that the Archives' "new, more restrictive approach" on access "imposes a major restriction on the public's right of access to Commonwealth records."

<http://www.smh.com.au/federal-politics/political-news/peter-cosgrove-targeted-in-national-archives-trawl-20140926-10md7m.html>;
<http://www.brisbanetimes.com.au/comment/move-restricts-right-to-know-20140926-10mg7o.html>

Azerbaijan. Government security officials raided the Baku office of the international nongovernmental organization IREX, confiscating "computers and documents" after showing IREX employees a "legal warrant to search the premises," *Transitions Online* reported. IREX (International Research and Exchanges Bard) supports academic research, professional training and technical assistance and has in the past supported archival exchanges. http://www.tol.org/client/article/24461-estonian-faces-spy-charge-in-moscow-nato-members-deny-plan-to-arm-ukraine.html?utm_source=TOL+mailing+list&utm_campaign=aba65d3da0-TOL_newsletter_27_8_2012&utm_medium=email&utm_term=0_35d0a711b5-aba65d3da0-298065710

Bosnia. "The Sense news agency, which covers war crimes trials, opened the new archive of case documents, witness testimonies and forensic evidence at the Srebrenica genocide memorial centre in Potocari," *BIRN* reported. Sense said its aim is "to illustrate how these crimes were investigated and reconstructed" at the International Criminal Tribunal for the former Yugoslavia.

http://www.balkaninsight.com/en/article/news-agency-sense-s-archive-on-srebrenica-in-potocari?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=124d57661d-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-124d57661d-311109073

Brazil. Brazilian regulators fined telecom giant Oi \$1.59 million for violations of users' privacy rights, *Lexology* reported. With Phorm, a U.K.-based online advertising company, Oi developed software that tracked and generated profiles of users' browsing practices and then sold the profiles to online advertising firms which could ultimately use the data to generate customized "behavioral" advertisements.

http://www.lexology.com/library/detail.aspx?g=a41396b1-7d98-42fa-9880-e6847611bf5d&utm_source=Lexology+Daily+Newsfeed&utm_medium=HTML+email+-+Body+-+General+section&utm_campaign=Lexology+subscriber+daily+feed&utm_content=Lexology+Daily+Newsfeed+2014-09-16&utm_term=

Canada. Earlier this year a court in Ontario ordered the federal government to give former students of St. Anne's Residential School who were victims of abuse "all documents that could help corroborate the stories," wrote *The Star*. On August 1 nearly 40,000 pages were provided, "but the material, including trial transcripts, witness statements to police, even certificates of conviction, was heavily redacted—nearly useless" according to a lawyer for 60 of the former students.

http://www.thestar.com/news/canada/2014/09/04/heavilyedited_residential_schools_documents_an_obstruction_of_justice_ndp_says.html

Chile. The North American Congress on Latin America published an article, "Lifting the Sentence of Secrecy in Chile," that provides a status report on the campaign to open the archives of the Augusto Pinochet dictatorship. <http://www.worldpress.org/Americas/4026.cfm>

China. In the 1950s Y.T. Wu founded the Three-Self Patriotic Association that was "used by the Communist Party to control churches in China," the *Washington Post* reported. Wu died in 1979, and his son "lent to the Communist Party days after his father's death" 40 volumes of his father's diaries. The son is now suing the government to get Wu's diaries back, which he wants to publish, believing they will rehabilitate his father's image. http://www.washingtonpost.com/world/prophet-or-judas-son-of-chinas-church-founder-tackles-thorny-legacy/2014/09/06/9d56d584-2e8e-11e4-994d-202962a9150c_story.html

Colombia. During negotiations in Havana, Cuba, between the Colombian government and the FARC guerilla group, the FARC representative called upon the government "to open-up all the archives, to declassify and lift all the legal prohibitions covering the most responsible people, and to impede the destruction of archives that has been occurring." It added that the government "should provide a coherent explanation to the country as to why they have permitted the loss of hours and hours of recordings revealing who were the true authors behind the author." <http://www.telesurtv.net/english/news/FARC-Demand-Declassification-of-Paramilitary-Related-Archives-20140923-0067.html>

Democratic Republic of Congo. A three-judge military court in South Kivu province is trying Colonel Bedi Mobuli Engangela. The *International Justice Tribune* reported that 800 victims “filed complaints against the colonel and joined the case against him as civil parties.” The *IJT* added, “Since 2011, military courts have tried some 8,000 cases of sexual violence committed by soldiers” but few “senior officials” have been convicted. The records of the Congolese military justice system need to be properly managed and preserved. www.justicetribune.com

El Salvador. The University of Central America Institute of Public Opinion released a study on crime and security in El Salvador over the past five years, which found that only 8.4 % of criminal prosecutions lead to a conviction, “contributing greatly to the impunity with which criminal acts are committed.” For the study, see http://www.uca.edu.sv/iudop/wp-content/uploads/libro_la_situaci%C3%B3n_de_la_seguridad.pdf

The National Security Archive, a Washington, D.C. nongovernmental organization, posted online the 1987 document from the archives of El Salvador’s military intelligence known as the “Yellow Book.” It identifies “almost two thousand Salvadorans who were considered ‘delinquent terrorists’ by the Armed Forces.” The Human Rights Data Analysis Group “determined that approximately 43% of the names in the Yellow Book correspond with reports of human rights violations registered” between 1980 and 1987 by Salvadoran human rights organizations and the El Salvador truth commission. <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB485/>

The New Republic reported on the work of Salvadoran photographer Fred Ramos, who publishes photographs of clothes that have been found in graves of unidentified persons. Ramos said he and the forensic anthropologists who exhume the remains “hope that through those clothes the families can recognize their missing relatives.” <http://www.newrepublic.com/article/119446/photos-fred-ramos-last-outfit-missing>

France. *Rue 89* reported that two young girls found a carton on the sidewalk in Seine-Saint-Denis that contained 196 files with confidential information on prisoners, all except one held in the prison of Villepinte. <http://rue89.nouvelobs.com/2014/09/02/tranquille-196-dossiers-detenus-trouves-rue-les-a-254557>

Germany. Following the controversy over the email of former Baden-Württemberg prime minister Mappus (see *HRWG News* 2014-08), the Christian Democratic Union parliamentary group asked the provincial government how it will ensure that in the future files are maintained complete and offered to the state archives. Thanks to Bernhard Post for this information. https://www.landtag-bw.de/files/live/sites/LTBW/files/dokumente/WP15/Drucksachen/Txt/15_5658.pdf

Guatemala. GAM, a nongovernmental group, used statistics “from data managed by Guatemala’s PNC national police” and found that Guatemala had a total of 80,303 homicides between 1997 (when the peace accord ending the civil war was signed) and 2013. In 1997 there were 3988 homicides; murders peaked in 2010 with 5960; in 2013 there were 5155, reported the *Latin American Herald Tribune*. <http://laht.com/article.asp?ArticleId=2347778&CategoryId=23558>

Hungary. Okotars and Demnet, two nongovernmental organizations in Budapest, were raided by police officers and “had laptops and servers confiscated,” reported *Human Rights Watch* and *Transitions Online*. <http://www.hrw.org/news/2014/09/08/dispatches-hungary-s-police-raids-squeeze-civil-society>; http://www.tol.org/client/article/24463-report-confirms-mh17-shootdown-albanian-central-bank-head-arrested.html?utm_source=TOL+mailing+list&utm_campaign=aba65d3da0-TOL_newsletter_27_8_2012&utm_medium=email&utm_term=0_35d0a711b5-aba65d3da0-298065710

India. “Madras high court has slammed a subordinate court which had adjourned a five-year-old civil case 89 times with a simple remark, ‘awaiting records’, every time,” wrote *The Times of India*. The high court judge said “there could have been no scope for calling for records had there been computerization at the level of subordinate courts.” <http://timesofindia.indiatimes.com/City/Chennai/Create-paperless-courts-or-less-paper-courts-for-speedy-justice-judge-says/articleshow/41905692.cms> Meanwhile the Supreme Court of India “laid down nine conditions for admission of electronic records in CDs, pen drives and computer printouts as ‘secondary evidence’ in court cases.” <http://freepressjournal.in/cd-pen-drive-could-be-valid-evidence-in-court/>

Floods in the Kashmir Valley “badly affected” 25 of 28 police stations in Srinagar and “nearly 60 per cent of the criminal records and other valid police documents in Srinagar’s police stations have been completed

destroyed,” *The Asian Age* reported. <http://www.asianage.com/india/60-police-records-destroyed-860> And at a major specialty hospital, 30 years of medical records were “washed away.” <http://www.risingkashmir.com/30-yr-old-record-washed-away-in-smhs/>

Iraq. Human Rights Watch on September 2 reported that it received new evidence on Islamic State executions in Tikrit, tripling the previous estimated death toll: “Information from a survivor and analysis of videos and satellite imagery has confirmed the existence of three more mass execution sites, bringing the total to five, and the number of dead to between 560 and 770 men, all or most of them apparently captured Iraqi army soldiers.” <http://www.hrw.org/news/2014/09/02/iraq-islamic-state-executions-tikrit>

Lebanon. After Lebanon’s 1975-1990 civil war, a government commission investigated the fate of the estimated 17,000 persons who went missing, issuing its report in 2000. In March 2014 the Shura Council decided that the government should give the full report and background investigations to families of the missing. The government has not done so, and *The Daily Star* reported that beginning September 18 the families “will begin weekly protests . . . to pressure the Cabinet to hand over” the records. <http://www.dailystar.com.lb/News/Lebanon-News/2014/Sep-18/271056-families-of-missing-pressure-government-for-probe-report.ashx#axzz3DLxeTWrB>

Myanmar. Preliminary results of the controversial national census were released. This, the first census in thirty years, showed the population to be 51.4 million, a figure that included an estimate of 1.2 million persons in three areas affected by ethnic conflicts where the census was not taken. The census would not permit persons to identify themselves as Rohingya, so self-identified Rohingya were “excluded from the count,” reported *Reuters*. The U.N. Population Fund representative in Myanmar said the census provides the country with the “data it needs to put roads, schools, health facilities and other essential infrastructure where people need them most.” Preserving the archives of a census is an important archival responsibility. For background on the controversy, see *HRWG News* 2014-02 and 03. <http://www.reuters.com/article/2014/08/30-us-myanmar-census-idUSKBN0GU0CG20140830>

Peru. Edwin Chota, a leading environmental activist, was killed on August 31, reported the *New York Times*. He “had been working to have the authorities grant his village formal title to their traditional lands in an effort to prevent incursions by loggers,” a deadly example of the importance of land records. http://www.nytimes.com/2014/09/11/world/americas/peru-investigates-the-killing-of-an-environmental-advocate.html?_r=0

Russia. Human Rights Watch issued a report, “Abandoned by the State: Violence, Neglect, and Isolation for Children with Disabilities in Russian Orphanages,” based on hundreds of interviews and visits to ten state orphanages. Calling the treatment of the children “heartbreaking and completely deplorable,” the report notes that nearly 30 percent of all children with disabilities in Russia live in state orphanages, making the records of those orphanages an important part of the state archives. <http://www.hrw.org/node/126110>

Russia/Crimea. *Transitions Online*, citing several sources, reported that “police and armed forces” raided the Mejlis (assembly) of Crimean Tatars and “seized the computers of some assembly officials.” <http://www.tol.org/client/article/24474-crimean-tatar-assembly-raided-ukraine-legislators-back-eu-pact.html#1>

“All 1,546 religious communities in the peninsula which had state registration with the Ukrainian authorities are being required to re-register under Russian law by 1 January 2015 if they wish to retain legal status,” reported *Forum 18 News Service*. An official at the Crimean Department of the Russian Justice Ministry told *Forum* that a religious community can register under an existing registered organization (presumably in Russia) or can register as an independent entity, in which case “all its documents are sent to the Justice Ministry in Moscow for an expert assessment. In that case it takes six months.” http://www.eurasiareview.com/12092014-crimea-unbearable-burden-re-registration/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Tunisia. Tunisia also took a census, but with much less controversy than in Myanmar. The preliminary results show a population of nearly 11 million, a million higher than the last census ten years ago and with a majority of women, reported *Agence France Presse*. <http://news.yahoo.com/tunisia-now-more-women-men-census-143553474.html>

Turkmenistan. At the request of the nongovernmental organization Crude Accountability, the American Association for the Advancement of Science analyzed satellite images of the prison at Ovdan-Depe in order to establish “a timeline for the construction” of the prison and to evaluate “where possible, reports that its inmates are subjected to living conditions that violate their human rights.” AAAS was able to establish the timeline for the construction and to show the destruction of a village that once existed near the prison site. However, “satellite imagery can say little about the conditions to which prisoners are subjected.” http://www.aaas.org/sites/default/files/reports/AAAS-Turkmenistan-Prison-92014_0.pdf

United Kingdom. *The Telegraph* reported that “hundreds of thousands of people may be deprived of the pensions they contributed to for years because of astonishing carelessness” on the part of pension firms. The report says that during the wave of mergers in the pension industry in the ‘80s and ‘90s, “firms that took over rival companies simply lost whole box loads of paperwork recording pension contributions and entitlements, sometimes during office moves.”

<http://www.telegraph.co.uk/finance/personalfinance/pensions/11090260/Thousands-lose-pensions-in-firms-Fawlt-Towers-bungles.html>

United States. The Federal Bureau of Investigation (FBI) announced the inauguration of its new facial recognition database called the Next Generation Identification System. The system is said to be capable of processing 55,000 photos a day, most of which will come from criminal records, and will link to the Integrated Automated Fingerprint Identification System, “which currently contains more than 100 million records of biometric data, including palm prints and iris scans,” reported *Newsweek*.

<http://www.newsweek.com/fbi-announces-its-facial-recognition-system-ready-go-270955>; for the FBI announcement, see http://www.fbi.gov/about-us/cjis/fingerprints_biometrics/ngi

However, the FBI’s inspector general issued a report saying that the FBI’s computerized case system in use since 2012 “had a negative impact on . . . daily productivity” of “about 67 percent of FBI technicians, who keep records of evidence and move evidence in and out of storage rooms.” Further, the system’s search capacity was poor, returning “either too many search results for users to reasonably review or no results at all for a document the user knew existed.” According to a report by *Nextgov*, “Evidence-custodian technicians now must maintain two chains of custody for each piece of material, a paper version and an electronic one.” <http://cdn.nextgov.com/nextgov/interstitial.html?v=2.1.1&rf=http%3A%2F%2Fwww.nextgov.com%2Fcio-briefing%2F2014%2F09%2Ffbi-cant-find-files-after-spending-550m-digitize-them%2F95024%2F>

Even more unsettling, a special report to *Unredacted*, a blog at the nongovernmental National Security Archive, says the FBI lost “millions” of pages of files due to floods in FBI field offices. It concludes, “[T]he recent massive archival losses from flooding, combined with the FBI’s inconsistent approach to archival preservation, suggests the need for much greater oversight by the National Archives before more historically valuable files are destroyed.”

<http://nsarchive.wordpress.com/2014/09/16/archival-neglect-flooding-of-fbi-archives-destroyed-hundreds-of-thousands-of-pages-of-files-related-to-civil-rights-movement-history/>

North Carolina reversed the convictions of two men who spent 30 years in prison, after DNA evidence implicated another man and the record showed that the police coerced confessions from the two teenage men. The *Washington Post*, citing this case (and see also the item in New York, below), argued that among the “obviously needed reforms” of the justice system is to “require open file discovery so that defendants can have access to all information; videotape all confessions.” As police departments in major cities begin to issue cameras to be worn by police and as the demand to videotape all interrogations grows, the requirements to manage video records of police activity will become a crucial archival problem.

http://www.washingtonpost.com/local/crime/dc-police-will-wear-body-cameras-as-part-of-pilot-program/2014/09/24/405f7f5c-43e7-11e4-b437-1a7368204804_story.htm

United States/Colorado. A trash container on the street in Centennial, Colorado, was full of “boxes and boxes of sensitive mortgage documents,” reported *7News*. The records appear to have been from a mortgage company that went out of business more than ten years ago and may be left in storage. The sheriff’s office picked up the records and is trying to determine how they ended up in open trash.

<http://www.thedenverchannel.com/news/local-news/dumped-mortgage-documents-in-centennial-may-have-been-in-storage09182014>

United States/New York. A man in prison for nearly 23 years and another who served 15 years had their convictions overturned when a panel of state appeals court judges found “that Brooklyn prosecutors in 1992 and 1993 were responsible for ‘burying’ documents that might have shown that detectives and the prime witness had lied.” reported the *New York Times*. http://www.nytimes.com/2014/09/18/nyregion/after-nearly-23-years-of-legal-struggle-a-conviction-is-reversed.html?_r=0 The *Times* also reported on the trial of a man accused of murdering a small boy in 1982, in which the first six hours of questioning by the police after his arrest were not videotaped (“the only records of what happened is in the notes and reports” of the detective) and the videotape was turned on only to record his confession, which his lawyer now says is false. <http://www.nytimes.com/2014/09/19/nyregion/in-etan-patz-case-detective-says-lengthy-interview-preceded-a-confession.html>

United States/North Carolina. North Carolina repealed a 1935 law requiring handgun owners in one county to register their weapons with the county clerk. The state archives said it does not want the registration records, reported the *Wall Street Journal*, leaving the county to decide whether the records should be preserved or not. The county clerk says the records “chronicle the growth and industrialization” of the county and reveal which firearms were popular in which era. The law may have been “meant to prevent violence among textile workers, who at the time were striking throughout parts of the South” but the state senator who led the repeal effort said “initially the law was selectively enforce to target African-Americans.” The National Rifle Association is pressuring state lawmakers to order the files destroyed. <http://online.wsj.com/articles/gun-registry-law-gone-debate-over-files-persists-1410562366>

United States/Texas. The new owner of a storage facility opened a rental unit and found medical files from 1980 to 1990 abandoned by a previous renter. <http://www.kltv.com/story/26501248/thousands-of-old-medical-files-found-abandoned-in-longview-storage-unit>

Uzbekistan. Uzbekistan’s new biometric passports contain “hidden information,” an Uzbek man was told by a border guard officer, which says when border guards “cannot make an independent decision” whether to let a person in or out but must consult with the National Security Services, *Uznews* reported. <http://www.uznews.net/en/human-rights/27718-new-passports-offer-surprise-for-activists-and-journalists-in-uzbekistan>

Vietnam. A new report from Human Rights Watch (HRW) focuses on the “pervasive deaths, injuries in police custody.” Unusually for HRW, the report is not based heavily on interviews; HRW “decided to not interview victims and witnesses there because doing so would have exposed them to almost certain retaliation.” Instead, HRW used “police abuse cases reported in government controlled Vietnamese-language newspapers, as well as reports from independent bloggers, citizen-journalists, and foreign news agencies.” One of HRW’s recommendations is that the government should “install cameras in interrogation and detention facilities.” They also call for an “independent police complaints commission to review and investigate all reported police abuse and misconduct.” Records would be essential for such a commission. <http://www.hrw.org/reports/2014/09/16/public-insecurity>

Publications.

The Humanitarian Law Center (HLC) in Belgrade released its research report, *Analysis of the War Crimes Prosecution in Serbia in the period 2004-2013*. It “is based on the official information from local institutions and institutions from the region, and the prosecutors and judges acting in cases of war crimes, representatives of the Ministry of the Interior responsible for war crimes investigation and witness protection, defence counsel, representatives of the witness protection unit, non-governmental organizations, victims and witnesses, and other relevant actors, who offered their perspective on all aspects of war crimes trials in Serbia in discussions led with representatives of HLC.” <http://www.hlc-rdc.org/?lang=de> The HLC also released the second issue of its newsletter “Through Accession towards Justice.”

South Africa’s Right2Know Campaign issued a report, “Secret State of the Nation 2014.” <http://www.r2k.org.za/wp-content/uploads/R2K-secrecy-report-2014.pdf>

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