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Commentary.

The world is awash in temporary committees, commissions, panels, and independent experts. Look at, for instance, the United Nations and the Central African Republic (CAR). In December 2013 the Security Council imposed a “sanctions regime” on the CAR and established a Sanctions Committee on the CAR as a “subsidiary organ of the Security Council.” It also created a Panel of Experts on the Central African Republic to monitor the implementation of the sanctions which was “home-based but maintained an almost permanent presence in Bangui throughout the investigation phase of its mandate.” At the same time, the Security Council asked the Secretary-General to establish an international commission of inquiry to “investigate reports of violations of international humanitarian law, international human rights law and abuses of human rights in the Central African Republic by all parties since 1 January 2013, to compile information, to help identify the perpetrators of such violations and abuses, point to their possible criminal responsibility and to help ensure that those responsible are held accountable.” The Commission of Inquiry on the Central African Republic is supported by a Secretariat based in Bangui, established by the Office of the United Nations High Commissioner for Human Rights (OHCHR). Meanwhile, in September 2013 the Human Rights Council created the post of Independent Expert on the situation of human rights in the Central African Republic, and through it all the United Nations peacekeeping force, MINUSCA, has been on the ground in the CAR for more than a decade. All of these are non-permanent organizations.

http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_762.pdf ; <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/180/48/PDF/G1318048.pdf?OpenElement>; <http://www.un.org/en/peacekeeping/missions/minusca/mandate.shtml>

But it is not just the UN that has an affinity for temporary bodies. For example, the United Kingdom currently has an Independent Panel Inquiry into Child Sexual Abuse. The U.S. report on Agent Orange (see below) was the product of experts outside the U.S. government. Google has an outside group looking at its privacy practices. The University of Oregon, following an unauthorized disclosure of records (see below) appointed an independent expert to review the case.

There are many reasons an organization decides to appoint an outside group to look at a specific issue or undertake a particular task: expertise, perceived independence from pressure, reputation, lack of adequate staff members to carry out the investigation along with their regular work. But what does this mean for record-keeping? If we look at the Central African Republic case, the Panel of Experts’ records clearly come under the Security Council, whose records go to the UN Archives in New York, as do the records of MINUSCA. The Independent Expert’s records should go to OHCHR archives in Geneva. The Commission of Inquiry, while established by the Security Council receives “secretariat” support from the Office of the High Commissioner for Human Rights, so its records could go either to New York or to the OHCHR archives in Geneva.

But will the records of temporary bodies really end in the archives? Almost all temporary bodies—whether appointed by the UN or a government or private organization—are unaware of the importance of their records. The experts are normally very concerned that their final report is preserved, but they are anxious to complete that task and return to their usual responsibilities. In most cases, the experts have had no instructions on what to consider records, on the distinction between personal papers and official records, on what to do with the records at the end of the temporary mandate. The consequence is that the records of closed temporary bodies often are difficult to locate, may be incorporated in personal papers, may be destroyed or even inadvertently made public prematurely. Some government archives have basic rules of the disposition of records of temporary government bodies (see, for example, the U.S. disposition guidance

at <http://www.archives.gov/records-mgmt/grs/grs26.html> and the older pamphlet “Managing the Records of Temporary Commissions”), but many probably don’t, nor do the private entities that create temporary bodies.

Just as governments must manage records of transitional justice institutions such as truth commissions, any organization that creates a temporary body needs to ensure that rules for managing records are in place when the temporary body starts. The members of the body should know from the beginning who will be responsible for managing the records, how they should be organized, where they will be stored (including in the computer system to be used) in the short and long term, and how access to them will be controlled. The experts and any staff members of the body should be informed that they are responsible for ensuring that the records they create or receive are filed in official records systems and managed accordingly. Archivists from the archives that will be the future home of the records should work with the members of the temporary body. These bodies may be temporary but their work can have a major impact on an issue, a state, or the world at large. Archivists need to make sure the record of that work endures.

News of the Human Rights Working Group. The Working Group met on January 27 and thoroughly reviewed the comments received on the draft “Basic Principles on the Role of Archivists in Support of Human Rights.” A revised version is being developed.

International news.

European Parliament. Parliament’s Legal Services issued a study of the impact on national laws of the Court of Justice ruling in April 2014 that invalidated the EU Data Retention Directive “due to several violations of human rights, in particular the fundamental rights to privacy and data protection.” Access, a digital rights nongovernmental organization, obtained a leaked copy of the study and reported that Legal Services found that international agreements that include data retention, such as the Passenger Name Records agreements and the Terrorist Finance Tracking Programme, are still valid, but “the ‘presumption’ of legality of EU acts can also be rebutted” and all existing national acts on data retention “should be examined on a case-by-case basis to check their compliance” with the criteria set out by the Court’s ruling. <https://www.accessnow.org/blog/2015/01/07/leaked-european-parliament-long-awaited-legal-study-on-data-retention>; for the leaked copy (official copy not located), see https://s3.amazonaws.com/access.3cdn.net/27bd1765fade54d896_12m6i61fe.pdf

International Criminal Court (ICC). *Al-Monitor* reported that the Palestinian Authority “submitted a declaration January 1 to the ICC stating its acceptance of the court’s jurisdiction retroactively to June 13, 2014,” and the ICC prosecutor announced that she opened a “preliminary examination into the situation in Palestine in order to establish whether the Rome Statute criteria for opening an investigation are met.” An advisor to the Palestinian Authority president told *Al-Monitor* that in addition to files on the Gaza war, the Authority would submit to the ICC “a file regarding settlements. The latter affect the core of the conflict.” A lawyer for the Al-Haq Foundation said that the documentation prepared “includes information on the territories confiscated by the occupation and the number of settlers in the West Bank, as well as military orders to confiscate land and the theft of water and natural resources.” *Maan* reported that the Hamas movement said “it was ready to present thousands of documents to the ICC to prove Israeli war crimes have taken place” during the summer 2014 Palestinian-Israeli conflict. http://www.eurasiareview.com/17012015-pa-foreign-ministry-hamas-welcome-icc-war-crimes-probe/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29; http://www.al-monitor.com/pulse/originals/2015/01/palestinian-icc-gaza-war-crimes-west-bank-settlements.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=254d193d1f-January_30_2015&utm_medium=email&utm_term=0_28264b27a0-254d193d1f-93088897; for the prosecutor’s statement, see http://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/comm%20and%20ref/pe-ongoing/palestine/Pages/palestine.aspx

Interpol. Interpol’s Secretary General met with the Justice and Home Affairs Ministers of the European Union and said “Interpol tools can be quickly and cost effectively integrated into national infrastructures, placing key information from within and outside the EU and Europe at the fingertips of officers in the field,” reported *Eurasia Review*. He noted that Interpol’s “database on foreign terrorist fighters has enabled the Organization’s analysts to identify primary travel routes used by foreign fighters, as well as the tactics,

techniques and procedures used to attempt to conceal their movements” and the Interpol Illicit Arms Records and tracing Management System (iARMS) provides a “centralized system for reporting and querying lost, stolen, trafficked and smuggled weapons.” http://www.eurasiareview.com/31012015-foreign-fighter-threat-europe-requires-global-response-says-interpol-chief/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

United Nations. The Commission of Inquiry on the Central African Republic gave the Secretary-General “a full list of perpetrators ‘surely implicated’ in the conflict” in which nearly 440,000 people are displaced, 190,00 have sought asylum in neighboring countries, and 36,000 are “trapped in enclaves across the country.” The Commission recommended the establishment of an international criminal tribunal to prosecute persons the Commission believes committed crimes against humanity. <http://www.un.org/apps/news/story.asp?NewsID=49863>

The UN Panel of Experts on the Sudan issued its final report. It found that 3324 villages were destroyed in Darfur from December 2013 to April 2014 and more than 430,000 people were displaced in the first ten months of 2014. The Panel said it adhered “to standards regarding transparency and sources, documentary evidence and corroboration of independent verifiable sources,” but noted that the Government of Sudan “did not always fully accede to requests from the panel for access and information. It was still reluctant to provide detailed information on some crucial matters.” <http://abcnews.go.com/US/wireStory/3300-villages-destroyed-sudan-fighting-early-2014-28432736>; for the report, see http://www.un.org/ga/search/view_doc.asp?symbol=S/2015/31

World Bank. The Bank issued a working paper, “From Tragedy to Renaissance: Improving Agricultural Data for Better Policies.” The authors argued that “agricultural development is an essential engine of poverty reduction in Sub-Saharan Africa” and that although “governments and donors alike target agriculture for large-scale investments with ambitious goals of raising agricultural productivity multifold, little is done to ensure that accurate statistics are produced to monitor agricultural development.” The report notes that “the role of politics in data cannot be ignored” and the statistics “have real-life consequences in terms of costs and benefits to various political players.” The Bank is now engaged in a “Living Standards Measurement Study” with the aim of improving the understanding “of the inter-relationship between agriculture and poverty reduction,” improving “the capacity of national statistics offices to collect and use these data to inform policy” and fostering “innovation in the measurement of agricultural data” in seven sub-Saharan countries (Ethiopia, Malawi, Mali, Niger, Nigeria, Tanzania, and Uganda). National archives in these countries need to ensure that the statistical data is preserved and usable in the future. http://documents.worldbank.org/curated/en/2015/01/23171166/tragedy-renaissance-improving-agricultural-data-better-policies?cid=DEC_PolicyResearchEN_D_INT

World/general news.

Intercepted email. The *Guardian* reported that GCHQ, the British government’s security and intelligence organization, “scooped up emails to and from journalists”—an enormous “70,000 emails harvested in the space of less than 10 minutes on one day in November 2008,” as shown in documents released by Edward Snowden. The communications captured ranged from simple public relations emails to correspondence between reporters and editors discussing stories, from media organizations including the *BBC*, *Reuters*, *The Guardian*, *The New York Times*, *Le Monde*, *The Sun*, *NBC* and *The Washington Post*. <http://www.theguardian.com/uk-news/2015/jan/19/gchq-intercepted-emails-journalists-ny-times-bbc-guardian-le-monde-reuters-nbc-washington-post>

Access to government data. The second edition of the Open Data Barometer was published. It reported, “Core data on how governments are spending our money and how public services are performing remains inaccessible or paywalled in most countries. Information critical to fight corruption and promote fair competition, such as company registers, public sector contracts, and land titles, is even harder to get. In most countries, proactive disclosure of government data is not mandated in law or policy as part of a wider right to information, and privacy protections are weak or uncertain.” <http://barometer.opendataresearch.org/report/summary/>

Big data on human trafficking. The Polaris Project, a nongovernmental organization fighting human trafficking, is using specially-designed software to create a data set that shows “the trends of human

trafficking and where and how trafficking is occurring in the United States,” a Polaris official told *US News and World Report*. The program has “controls to limit access to victim data” to only certain users. Another program, “Memex,” developed by the U.S. Defense Department’s Defense Advanced Research Projects Agency, “enables partners, including anti-trafficking groups and law enforcement agencies, to use sophisticated search tools to cull publicly available information embedded in escort ads and other online content that could be connected to sex exploitation, and analyze it for trends and insight.”
<http://www.usnews.com/news/articles/2015/01/14/how-big-data-is-being-used-in-the-fight-against-human-trafficking>

Bilateral and multilateral news.

Al-Qaeda/Syria/Turkey. “Secret official documents about the searching of three trucks belonging to Turkey’s national intelligence service (MIT) have been leaked online,” reported *Al-Monitor*. The “authenticated documents” show that although Turkey’s president said the trucks were “taking humanitarian assistance to Turkmen,” the Gendarmerie (a branch of the Turkish Armed Forces) searched the trucks and found “missiles, mortars and anti-aircraft ammunition.” The search of the trucks was videotaped. Turkish officials threatened to shut down Turkish access to Twitter unless it “blocked the account” of a newspaper that had circulated documents about the search. Twitter responded by blocking “images of leaked documents in which the military police were said to have confirmed that the trucks contained weapons and explosives. The documents also said the weapons were destined for Al-Qaeda,” reported the *New York Times*. http://www.al-monitor.com/pulse/originals/2015/01/turkey-syria-intelligence-service-shipping-weapons.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=78836e8bd3-January_16_2015&utm_medium=email&utm_term=0_28264b27a0-78836e8bd3-93088897 ; http://www.nytimes.com/2015/01/17/world/europe/turkey-threatens-to-block-social-media-over-released-documents.html?_r=0

Bahamas/Haiti. A new policy in the Bahamas requires everyone to hold a passport, and persons born there to parents who were not citizens have to apply for a passport from their parents’ country of origin. One in ten Bahamians is of Haitian descent, many of whom never applied for citizenship, reported the *New York Times*. Now they must ask Haiti for passports, but “many people have not been able to obtain documents because the paperwork required, including certified copies of both parents’ birth certificates, is difficult to obtain.” The Haitian government “has been unable to speedily produce records” needed, and “because of delays in obtaining Haitian passports, thousands of Bahamians are now at risk of having no nationality at all.” Some people have been deported even though they were born in the Bahamas.
http://www.nytimes.com/2015/01/31/world/haitians-are-swept-up-as-bahamas-tightens-immigration-rules.html?_r=0

Canada/Romania. The non-profit Canadian Legal Information Institute (CanLII) “has published more than a million Canadian rulings provided to it by courts and tribunals on the stipulation that it not allow Google or other search engines to index its pages and display them in search results,” reported *The Globe and Mail*. However, a Romanian website “copied hundreds of decisions from CanLII in 2012 and posted them on its own site” which allowed search engines to crawl its contents. People who found their information publicly displayed there and objected were “asked for a fee for quick removal of personal information.” A Canadian privacy lawyer noted that people in the past enjoyed a form of “‘privacy by obscurity’ because their cases were often forgotten in a filing cabinet or buried in a legal textbook” and suggested that public bodies need “to be much more careful about what they put out there, and be mindful about the fact that it would appear the Internet never forgets and the privacy by obscurity that used to exist is no longer the case.” <http://www.theglobeandmail.com/report-on-business/industry-news/the-law-page/canadians-upset-over-romanian-website-that-exposes-court-case-details/article22284367/>

Chile/United States. A court in Chile sentenced two former Chilean intelligence officials for the murder of two U.S. men shortly after the 1973 coup that brought Augusto Pinochet to power. The ruling said “both crimes were the result of a ‘secret investigation’ of Americans’ political activities in Chile by the United States Military Group in Santiago, commanded by a Navy captain, Ray E. Davis.” A document from the U.S. Federal Bureau of Investigation was part of the evidence; the sister of one of the men killed told *The Tico Times*, “We are now asking the U.S. Navy, the State Department and the CIA to investigate on the basis of the information [in the judge’s ruling] pointing to U.S. officials, especially Captain Ray Davis.” Forty year old records from these agencies should be in the U.S. National Archives.

http://www.nytimes.com/2015/01/29/world/americas/2-sentenced-in-murders-in-chile-coup.html?_r=0;

<http://www.ticotimes.net/2015/01/30/sentencing-in-chile-begins-to-bring-closure-in-41-year-old-murder-cases-of-us-citizens-frank-teruggi-and-charles-horman>

Guatemala/Spain. A court convicted Pedro Garcia Arredondo, former head of a special investigations unit of the police, of homicide and crimes against humanity for his leadership of the 1980 siege of the Spanish Embassy during which 37 protesters and hostages died. The *International Justice Monitor* reported that video footage proved Arredondo was present at the Embassy during the siege and “historical archives of the National Police identified those responsible for the operation as Arredondo” and two others.

<http://www.ijmonitor.org/category/guatemala-trials/>; http://www.nytimes.com/2015/01/20/world/americas/guatemala-former-police-official-is-convicted-in-1980-embassy-siege.html?ref=americas&_r=0

Ireland/United Kingdom. A judge in Belfast ordered a full hearing in April on the claim that “intelligence from police and other branches of the security forces” could have prevented the Omagh bombing in 1998 where 29 people died. Families of the victims “have alleged that police on both sides of the border as well as MI5 were more concerned with protecting informers inside the Real IRA than moving to thwart the bomb plot,” reported *The Guardian*. MI5 is the British domestic security service; records of MI5 and both police services should have relevant information. <http://www.theguardian.com/uk-news/2015/jan/21/omagh-bomb-campaigner-public-inquiry>

Israel/Palestine. Israel’s state comptroller opened an investigation “into decisions made by military and political leaders during last summer’s 50-day war with the Hamas militant group in Gaza,” reported the *New York Times*, noting that it was an “effort to head off an International Criminal Court inquiry” (see above). The comptroller said the investigation “would be based on decisions of Israel’s Supreme Court as well as previous commissions of inquiry,” underscoring the importance of retaining the archives of temporary commissions, committees, and boards of inquiry. <http://www.nytimes.com/2015/01/21/world/middleeast/israel-hamas-gaza-strip-war-investigation.html?ref=world>

Japan/Russia. At the end of World War II, an estimated 575,000 Japanese soldiers and civilians from northeastern China, Sakhalin Island and other locations were captured by the Soviet Union and taken to detention centers. About 55,000 of the prisoners died. The State Archives of the Russian Federation has 700 files prepared by the Soviet Union’s “repatriation office” which contain “information about the Japanese who died while detained and those whose fates have remained unknown” as well as “journals and notes written about their daily lives at the detention centers,” wrote *The Yomiuri Shimbun*. The files have been declassified, and Japan and Russia have reached a “broad agreement” to start research in the records in April in an attempt to determine the fates of the missing. <http://the-japan-news.com/news/article/0001830911>

Japan/United States. Japanese automaker Honda was fined \$70 million dollars “for its failure to report more than 1,700 deaths and injuries in its vehicles” as required by U.S. law, reported the *Associated Press* (for background, see *HRWG News* 2014-11). <http://www.foxnews.com/politics/2015/01/08/honda-fined-70m-for-not-reporting-death-injury-complaints/>

Kyrgyzstan/Tajikistan. *Radio Free Europe* reported that “Kyrgyzstan and Tajikistan will use Soviet-era documents from archives in Russia during talks aimed at delimiting the disputed border between the Central Asian nations” and that “Kyrgyz officials had travelled to Moscow recently and obtained the archival materials” relevant to the case. The border dispute has led to violence since the 1991 collapse of the Soviet Union (for background, see *HRWG News* 2014-02 and 2014-07). <http://www.rferl.org/content/central-asian-borders-discussed-with-moscow-archives/26780846.html>

Lebanon/Syria. Lebanon announced that Syrians now need a student, business or transit visa to enter Lebanon or have documented sponsorship by a Lebanese citizen, reported *BBC News*. An adviser to Lebanon's interior minister said “permits for refugees would need to be signed by Lebanon's social affairs ministry, as well as its interior ministry,” thereby likely creating two sets of government records on the refugees. <http://www.bbc.com/news/world-middle-east-30657003>

Russia/Ukraine. *Transitions Online* reported on the case of the captured female Ukrainian air force pilot held as a civilian prisoner in Russia and charged “in connection with the deaths of two Russian journalists

from state-owned media who were reported to have been killed by a mortar attack in June on a separatist checkpoint outside Luhansk in eastern Ukraine.” Her lawyer, who is appealing to the Council of Europe for her release, says “telephone records . . . show she was captured before the journalists were killed.” <http://www.tol.org/client/article/24640-ukrainian-soldier-in-russian-prison-continues-hunger-strike-russian-soldier-held-in-armenian-mass-killing.html#1>

Rwanda/United States. Prudence Bushnell was the U.S. Deputy Assistant Secretary of State for African Affairs at the time of the Rwandan genocide. She “donated high-resolution scanned copies of her personal notebooks to the National Security Archive,” a U.S. nongovernmental organization, which posted them on its website, providing “a never-before-seen view into the inner working of US diplomacy during one of the international community’s darkest hours in recent decades.” <http://www.nsarchive.org/NSAEBB/NSAEBB500/>

National news.

Argentina. The Argentine prosecutor investigating the 1994 car bomb at the Jewish community center in Buenos Aires that killed 85 people disclosed transcripts of “intercepts of telephone calls between Argentine intelligence agents and Iranian officials” that provide details of a secret deal in which Argentina would receive oil in exchange for shielding Iranian officials from charges that they orchestrated the bombing, reported many sources including the *New York Times*. Shortly after making the transcripts public as part of a criminal complaint, the prosecutor was found dead in his apartment.

<http://www.nytimes.com/2015/01/22/world/americas/argentine-calls-detail-efforts-to-shield-iran.html>

Canada. The *Canadian Broadcasting Corporation* reported that Communications Security Establishment Canada has up to 15 million uploads a day from 102 file sharing sites as part of its “Levitation” project, “a behavior-based target discovery project” to identify potential terrorists. “The way the program worked was that the CSE tapped into collected metadata on those downloads. It then used the computer’s IP addresses to cross-reference that through at least two wide-reaching databases of metadata held by Canada’s spying partners to try to figure out a suspect’s identity and to further monitor that person’s online activity.”

<http://www.cbc.ca/news/canada/cse-s-levitation-project-expert-says-spy-agencies-drowning-in-data-and-unable-to-follow-leads-1.2934942>

China. The National Tourism Administration (NTA) announced that “records would be kept of problem [Chinese] tourists, with tourists ‘ranked’ on the severity of their misbehavior while traveling abroad,” the *Washington Post* reported, citing Chinese state media. The head of the NTA “urged Chinese tourists to take photos or video of bad behavior they spot and pass it on to officials. The evidence would then be publicized.” http://www.washingtonpost.com/national/world-digest-jan-16-2015/2015/01/16/1ea048a0-9db6-11e4-bcfb-059ec7a93ddc_story.html

Germany. For the first time, 2500 digitized pages of Stasi files have been put on line, along with 15 hours of film and 6 hours of sound recordings, reported *The Telegraph* and others. Files on living individuals are not included “for privacy reasons.” <http://www.telegraph.co.uk/news/worldnews/europe/germany/11336288/East-German-Stasi-files-open-to-public-online-for-first-time.html>

The Federal Statistical Office released statistics showing Germany in 2013 had 1.23 million persons immigrate, the largest number since 1993, *EurActiv Germany* reported. “Amid these trends, Germany’s governing coalition is currently mulling the creation of a new immigration law.”

<http://www.euractiv.com/sections/global-europe/berlin-reacts-germanys-2013-record-immigration-numbers-311464>

Iraq. The *Associated Press* reported that militants of the Islamic State (ISIS) are ransacking Iraqi libraries and taking away or burning anything they deem un-Islamic. The Central Library of Mosul and the University of Mosul’s library were both attacked, and a professor at the university told *AP* that there was “particularly heavy damage to the archives of a Sunni Muslim library, the library of the 265-year-old Latin Church and Monastery of the Dominican Fathers and the Mosul Museum Library.”

<http://bigstory.ap.org/article/1ec4e2a1bb5b4dce97faa462478f7c0e/iraqi-libraries-ransacked-islamic-state-group-mosul>

Israel. In a sharp reminder that what you see in a news photograph may not be accurate, the Orthodox newspaper *HaMevaser* digitally removed images of Chancellor Angela Merkel of Germany, the mayor of

Paris, the president of Switzerland, and other female leaders from the photograph it ran of world leaders at the solidarity march in Paris following the *Charlie Hebdo* and kosher grocery attacks. The *New York Times* ran the original photo and the altered photo side by side. http://www.nytimes.com/2015/01/14/world/newspaper-in-israel-scrubs-women-from-a-photo-of-paris-unity-rally.html?_r=0&mkrtok=3RkMMJWWfF9wsRonu6nKd%2B%2FhmjTEU5z17u0kUKCg38431UFwdcjKPmjr1YICRMdi%2BSLDwEYGJlv6SgFSLHMMa12z7gLXxI%3D

Nigeria. Satellite images taken “in the days following the attacks” by Boko Haram on 17 towns and villages in northern Nigeria “provide direct evidence of extensive areas of fire-related damages to local buildings and trees, consistent with a systematic campaign of arson directed against the civilian population in the area,” said Human Rights Watch (HRW). Satellite images do not reveal deaths or injuries, and HRW wrote, “In time, we hope to provide more accurate figures on the number of those killed in the attacks and information about them. But for now, credibly used satellite imagery is the closest we will get to the truth.” <http://www.hrw.org/news/2015/01/14/dispatches-what-really-happened-baga-nigeria>

Pakistan. Pakistan adopted an amendment to its constitution to permit the establishment of military courts with the responsibility for trying “hard core terrorists.” Commenting on the development, India’s Institute for Defense Studies and Analyses suggested that one of the reasons for the shift was that the regular courts in such cases had “a lack of admissible evidence primarily because people are scared of retribution and do not therefore come forward to give evidence.” The move means that the records of these judicial proceedings will fall under the access control of the military; it is not clear whether under Pakistan’s archives law the records of the military are transferred to the national archives. <http://foreignpolicy.com/2015/01/16/law-and-military-order/>; http://www.idsa.in/idsacomments/MilitaryCourtsinPakistan_asahgal_140115.html

Portugal. Portugal adopted a law offering dual citizenship to descendants of Portuguese Sephardic Jews who were persecuted by the Inquisition and now live outside Portugal, reported the *Associated Press*. To qualify, persons must demonstrate “a traditional connection” such as through “family names, family language, and direct or collateral ancestry.” Genealogical records will be important in establishing eligibility. Spain passed a similar law recently (see *HRWG News* 2013-05). <http://www.ynetnews.com/articles/0,7340,L-4620856,00.html>

Romania. A Romanian military prosecutor indicted a retired member of the Securitate secret police for the beating death of Gheorghe Ursu, a well-known dissident killed in prison in 1985. According to the *Associated Press*, “Ursu was killed on the orders of the Securitate for keeping a diary in which he criticized the regime of Romania’s communist leader at the time, Nicolae Ceausescu.” Most of the records of the Securitate are now held by the National Council of Study of the Archives of the Securitate. <http://www.timesunion.com/news/world/article/Romania-reopens-case-of-dissident-30-years-after-6025555.php>

Russia. A major fire destroyed part of the library at the Institute of Scientific Information on Social Sciences in Moscow. The president of Russia’s Academy of Sciences estimated that 15 percent of the 10 million volumes “and materials” in the library were damaged or destroyed, while the director of the Russian State Library told *Tass* news agency that “most of the rarest volumes and manuscripts at the damaged library, primarily about economics, philosophy and Marxism-Leninism, had been brought to the Soviet Union from Germany as war trophies,” reported the *New York Times*. http://artsbeat.blogs.nytimes.com/2015/02/01/fire-at-library-in-moscow-destroys-millions-of-volumes/?_r=0; <http://rt.com/news/228287-moscow-fire-library-destroyed/>

Russia’s supreme court dismissed a government attempt to shut down the domestic arm of Memorial, the country’s oldest human rights advocacy group. However, the suit against International Memorial Society, with its irreplaceable documentary holdings, remains open. For background, see *HRWG News* 2014-11. <http://rbth.com/politics/2015/02/03/victory-for-memorial-in-court-ruling-but-survival-battle-is-only-hal-43343.html>

Saudi Arabia. “The Saudi newspaper *Okaz* reported . . . that the police in Mecca had arrested a security officer who had filmed the beheading” of a woman, a citizen of Myanmar, who had been convicted of “severely beating her husband’s 7-year-old daughter, also from Myanmar,” reported the *New York Times*. The video of the beheading was posted online. The officer who allegedly took the video will face “both military and civilian justice” from the “relevant authorities.” <http://www.nytimes.com/2015/01/19/world/middleeast/man-who-filmed-saudi-execution-is-reportedly-arrested.html>

Serbia. The Humanitarian Law Center published “Dossier Rudnica” outlining the evidence on four crimes in which dozens of people in Kosovo were killed or “disappeared” in April and May 1999 by members of the Yugoslav Army (VY) and the Ministry of Justice (MUP). The Dossier “was produced on the basis of authentic military and police documents, statements given by the victims who survived the crimes, victims’ family members, forensic reports, testimonies of VY and MUP officials given before the International Criminal Tribunal for the Former Yugoslavia and other relevant material.” The day after the Dossier was released, the Office of the War Crimes Prosecutor requested the Center to turn over to it the “entire documentation relating to the Rudnica Case.” The Serbian President said that the report was “an orchestrated campaign against the Army of Serbia” and unfairly attacked the Serbian army chief. http://www.balkaninsight.com/en/article/serbian-pm-claims-war-crime-allegations-of-army-chief-attack-on-the-army?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=1a4c6040ab-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-1a4c6040ab-311109073 ; for the report, see <http://www.hlc-rdc.org/?p=28016&lang=de> ; for the OWCP request to HLC, see www.hlc-rdc.org

Tunisia. The Truth and Dignity Commission (TDC) and the National Archives are arguing over the disposition of the presidential archives. In late December, the TDC took six trucks to the presidential palace to take over 20,000 boxes of presidential records, but were stopped “by members of a trade union,” reported the *International Justice Tribune*. The director of the national archives told the press that the TDC law gives the Commission the right of access to the records but does not permit it to take over the records. The president of the nongovernmental organization Labo’ Democratique, who opposes the transfer of the archives to the TDC, said, “We advocate for the archives to be kept in custody of a judge.” <http://www.gnet.tn/actualites-nationales/le-dg-des-archives-nationales-appelle-livd-a-revoir-ses-methodes-de-travail/id-menu-958.html> ; www.justicetribune.com issue 174

Turkey. Key pieces of evidence in the graft case involving President Recep Tayyip Erdogan, members of his family and four ministers were audio recordings of telephone conversations that were leaked to the press. The Parliamentary Corruption Commission investigated and “voted against the referral of four former ministers to a top court for trial over claims of corruption,” reported *Today’s Zaman*. The Commission chair then said he would “ensure authorities destroy the tapes,” but opposition party deputies said “the commission is not authorized to make a decision on the destruction of the tapes” and petitioned the Speaker of Parliament to prevent the destruction. The report does not indicate the opinion of the national archives on the proposed destruction. http://www.todayszaman.com/national_destruction-of-tapes-calls-for-75-year-long-prison-sentence_369265.html ; for transcripts of the recordings, see http://www.todayszaman.com/national_full-transcript-of-voice-recording-purportedly-of-erdogan-and-his-son_340552.html

United Kingdom. An audit determined that eight laptops used by British soldiers in Afghanistan have been lost, two of which were used by Army medics and carried the unencrypted medical records of up to 1,300 troops. *The Daily Telegraph*, which learned the details of the loss by filing a Freedom of Information Act request, said, “The loss took five years to come to light because the data used in routine equipment musters was inaccurate.” The *Telegraph* also pointed out that the number of data leaks at the Ministry of Defence has risen to “1,194 in 2013—the equivalent of three a day. The incidents include the loss of paper documents, missing computer files or people being granted unauthorized access to classified information.” <http://www.telegraph.co.uk/news/uknews/defence/11339413/British-Afghanistan-troops-medical-records-lost.html>

A file prepared for Prime Minister Margaret Thatcher in the 1980s and housed among Cabinet Office records at the National Archives is listed in a finding aid as “PREM 19/588 – SECURITY. Allegations against former public [word missing] of unnatural sexual proclivities; security aspects 1980 Oct 27 – 1981 Mar 20.” A researcher noted the file title; *Sky News* published the fact that the file exists. The leader of the 2014 panel that looked for official documents linked to child abuse said the group had not seen the file or been told of its existence and called for it to be “submitted to the [new] sexual abuse inquiry as well as the relevant police force so they can conduct a criminal investigation if necessary.” A spokesman for the Cabinet Office said “the file was kept closed and retained as it contained information from the security services and advice from the law officers” but said the new inquiry would have access to it. For background on the 2014 inquiry, see *HRWG News* 2014-11. <http://news.sky.com/story/1411734/unnatural-sex-file-given-to-abuse-inquiry>

The Office for National Statistics reported that the “number of rapes recorded by the police in England and Wales has risen by 31% in the past year to 24,043—the highest level for at least 10 years.” However, overall crime levels in the 12 months prior to September 2014 showed an 11% fall, which makes the overall crime levels “at their lowest since 1981,” reported *The Guardian*. <http://www.theguardian.com/society/2015/jan/22/number-rapes-police-england-wales-rises-31-percent>

The Foreign and Commonwealth Office “uncovered” some 170,000 historical files “overdue for release into the public domain,” reported *Cambridge News*. The records were found “as a result of a file audit carried out across the entire FCO estate, covering overseas posts and departments in the UK” which was ordered following the discovery in 2011 of 600,000 files at the FCO’s Hanslope Park facility. The Europe Minister told the House of Commons that “a significant proportion of these files contain copies of original records or routine management, finance, personnel and consular records. Some files, however, are likely to require permanent preservation.” The FCO promised to publish a revised inventory including the “newly identified files” by the end of March. <http://www.cambridge-news.co.uk/Cambridge-spies-secrets-170-000-historic-files/story-25907350-detail/story.html>

United Kingdom/Northern Ireland. In addition to the story of the Omagh bomb cited above (see Ireland/United Kingdom), a cluster of news stories in January involved the era of the “Troubles” in Northern Ireland and the archives from that period:

*The Culture Minister said that persons would no longer have to rely on Freedom of Information legislation to view historic court records on dozens of killings during the Northern Ireland “Troubles.” The Public Records Office of Northern Ireland holds the records of “dozens of inquests into controversial killings,” and is preparing descriptions of around 9,000 files of court records covering the years 1970 to 1982, reported the *Belfast Telegraph*. <http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/troubles-documents-easier-to-access-30929542.html>

*Two brothers were caught in an August 1971 attack by the British Army’s Parachute Regiment that has become known as the Ballymurphy Massacre; one brother was killed and the other captured and convicted of “riotous behavior.” The Criminal Case Review Commission has now told the Court of Appeal to hear the living brother’s case, allowing him to challenge his conviction and sentence. Both the court records of the earlier conviction and the British Army records will be important to the reopened case. <http://www.anphoblacht.com/contents/24706>

*The Police Service of Northern Ireland (PSNI) established a new unit to investigate the events of Bloody Sunday in Derry in 1972 when 14 people were killed by British soldiers and 14 others were injured. The unit is also to review “nearly 1000” other killings that happened during the Troubles that were not previously reviewed by the now-disbanded Historical Enquiries Team of the PSNI, reported the *BBC* and *Derry Journal*. <http://www.bbc.com/news/uk-northern-ireland-30533553> ; <http://www.derryjournal.com/news/bloody-sunday-probe-to-re-start-next-week-1-6509772>; <http://www.bbc.com/news/uk-northern-ireland-foyle-west-30948630>

*“Two investigations have been ordered into the withholding and destruction of evidence connected to one of the so-called shoot-to-kill incidents of the Troubles in Northern Ireland,” reported *The Guardian*. Two people were shot by members of the Royal Ulster Constabulary (RUC) at a hayshed near Lurgan in 1982; MI5 “had a listening device hidden inside in the hayshed,” reported the *BBC*. “The tape was destroyed by the RUC 24 hours after the shooting” and the MI5 copy of the tape “was destroyed two and a half years later.” The director of public prosecutions for Northern Ireland has instructed the police and the police ombudsman to investigate the actions of the personnel who concealed and destroyed evidence about the hayshed killings, including the destruction of the tapes. <http://www.theguardian.com/uk-news/2015/jan/14/northern-ireland-shoot-to-kill-evidence-destroyed-mi5-inquiries>; <http://www.bbc.com/news/uk-northern-ireland-30812148>

United States. A judge ordered the government to acknowledge that for more than a decade the Drug Enforcement Administration had a database of telephone calls outbound from the United States to countries “determined to have a demonstrated nexus to international drug trafficking and related criminal activities.” According to the *Washington Post*, a Justice Department spokesman said the database “has not been active nor searchable since September 2013 and all the information has been deleted.” Whether the U.S. National Archives approved the destruction of the data was not reported. <http://www.washingtonpost.com/world/national->

[security/us-kept-secret-law-enforcement-database-of-americans-calls-overseas-until-2013/2015/01/16/a471df92-9dad-11e4-96cc-e858eba91ced_story.html](http://www.nytimes.com/2015/01/12/us/politics/beyond-nsa-fbi-is-assuming-a-larger-surveillance-role-report-shows.html?_r=0); for the affidavit acknowledging the database, see https://www.aclu.org/sites/default/files/assets/2015.01.20_foia_request.pdf

The Federal Bureau of Investigation (FBI) has been “broadening” its surveillance role, reported the *New York Times*, which obtained through the Freedom of Information Act a study by the Justice Department’s inspector general about the FBI’s surveillance activities. The study says that “in October 2009 the F.B.I. started retaining copies of unprocessed communications gathered without a warrant [by the National Security Agency] to analyze for its own purposes. And in April 2012, the Bureau began nominating new email accounts and phone numbers belonging to foreigners for collection.”

http://www.nytimes.com/2015/01/12/us/politics/beyond-nsa-fbi-is-assuming-a-larger-surveillance-role-report-shows.html?_r=0

Human Rights Watch published a report, “Secret and Unaccountable,” about the mismanagement and missing funds of the Lower Brule Sioux reservation in South Dakota. In an interview, the report’s author said a total of \$3.8 million has disappeared, and added, “The tragedy is that the average salary in Lower Brule is roughly \$10,000 a year, and about 40 percent of the reservation’s 1,600 require food assistance. The diversion of these funds—with no explanation as to where they went—violates tribal members’ right to water and education and has severely undercut efforts to provide people with desperately needed services.” In its investigation, HRW used Tribal Government documents, federal audits, criminal records, records of suits in state and federal courts, submissions to Federal authorities, and more; it posted on its website many of the documents it used in the investigation.

<http://www.hrw.org/news/2015/01/12/interview-tribal-council-mismanagement-and-millions-missing>; for the report, see <http://www.hrw.org/reports/2015/01/12/secret-and-unaccountable-0>

A number of health-related stories made news in January:

*The Institute of Medicine (the health arm of the private, nonprofit National Academy of Sciences) issued a report, “Post-Vietnam Dioxin Exposure in Agent Orange-Contaminated C-123 Aircraft.” It said, “Between 1972 and 1982, approximately 1,500 to 2,100 U.S. Air Force (AF) Reserve personnel trained and worked on C-123 aircraft that previously had been used to spray herbicides, including Agent Orange (AO), during Operation Ranch Hand in the Vietnam War. Samples taken from these aircraft show the presence of AO residues.” The Institute found that the reservists “would have experienced some exposure” and “it is plausible that, at least in some cases . . . the reservists’ exposure exceeded health guidelines for workers” and they “quite likely experienced non-trivial increases in their risks of adverse health outcomes.” The panel noted that “documentation of most aspects of the pattern of work performed by AF reservists on these aircraft has not been recovered (and is unlikely to be retrieved in the future)” and therefore “limitations in the available information prevent the committee from deriving exact estimates of the AF reservists’ exposure to herbicide residue.” http://www.iom.edu/Reports/2015/Post-Vietnam-Dioxin-Exposure-in-Agent-Orange-Contaminated-C-123-Aircraft.aspx?utm_source=IOM+Email+List&utm_campaign=8aeb5ffb1f-1_9_15_New_Report_Agent_Orange_C_123_Aircraft&utm_medium=email&utm_term=0_211686812e-8aeb5ffb1f-180156329

*The Institute of Medicine also released a report, “Sharing Clinical Trial Data: Maximizing Benefits, Minimizing Risk,” urging “all sponsors of clinical trials to share detailed study data with outside researchers” and recommending “that such data be made available within 30 days of a product’s approval.” On the same day, the health care corporation Johnson & Johnson announced that it will make “detailed clinical trial data on its medical devices and diagnostic tests available to outside researchers through a collaboration with Yale University, making it the first large device manufacturer to systematically make such data public,” reported the *New York Times*. <http://www.nytimes.com/2015/01/15/business/johnson-johnson-to-make-clinical-data-available-to-outside-researchers.html>; for the report, see <http://www.iom.edu/reports/2015/sharing-clinical-trial-data.aspx>

*The *Associated Press* learned that “the government’s health insurance website is quietly sending consumers’ personal data to private companies that specialize in advertising and analyzing Internet data for performance and marketing,” raising privacy concerns. <http://bigstory.ap.org/article/31490a20926d4ed3b98ff2d0ed8fc81d/new-privacy-concerns-over-governments-health-care-website>

*The President’s budget request to Congress included funds for a research consortium to link together existing data banks of genetic information to help scientists develop drugs and treatments tailored to the characteristics of individual patients, a technique called “precision medicine.” In announcing the

initiative, the President said, “We’re going to make sure that protecting patient privacy is built into our efforts from Day 1.” <http://www.whitehouse.gov/the-press-office/2015/01/30/remarks-president-precision-medicine>

United States/California. Some Stanford University students requested access to copies of their admission records, and the University decided that under the Family Educational Right and Privacy Act students have a right to see their educational records, including their admissions reviews. According to the *New York Times*, a university spokesperson said “only people who actually enrolled at Stanford could see their records, so rejected applicants cannot see why they were turned down.” The publicity over Stanford’s decision has led students at other universities to seek access to their admissions records. http://www.nytimes.com/2015/01/17/us/students-gain-access-to-files-on-admission-to-stanford.html?_r=1&gwh=8C6265E8BA01543974790DD13DAFFA52&gwt=pay&assetType=nyt_now

United States/District of Columbia. Using “hundreds of police and court records” the *Washington Post* found that “at least” 37 people in the District of Columbia and Maryland “have been killed since 2004 for cooperating with law enforcement or out of fear that they might.” http://www.washingtonpost.com/local/dozens-in-dc-maryland-paid-the-ultimate-price-for-cooperating-with-police/2015/01/10/978b1a18-b5f6-11e3-b899-20667de76985_story.html

United States/Indiana. Two media companies requested records from Notre Dame University’s campus police about an incident in September 2014 in which a man was critically injured falling down a stairwell in a university building. The university denied the requests, but Indiana’s Public Access Counselor then issued an opinion, saying, “The police force is established by the governing body of a private institution, but their powers come from the state of Indiana. I am not comfortable saying an organization can hide behind the cloak of secrecy when they have the power to arrest and create criminal records and exercise the state’s police power.” One media company is now suing the university for violating Indiana’s public records law, reported the *South Bend Tribune*. http://www.southbendtribune.com/news/publicsafety/espn-sues-notre-dame-over-police-records/article_bdf39aba-a1a8-11e4-ac8c-87c9c394611f.html?mode=print

United States/New York. A massive fire in a warehouse destroyed records of the state court system, the New York City Administration for Children’s Services, the city’s Health and Hospitals Corporation, and the Greater New York Hospital Association. Papers were blown for several blocks, reported the *New York Times*, including “medical records, court transcripts, lawyers’ letters, sonograms, bank checks and more.” http://www.nytimes.com/2015/02/02/nyregion/large-warehouse-fire-continues-to-burn-in-brooklyn.html?_r=1

New York City introduced a voluntary program to provide municipal identification cards for residents who are at least 14 years old, explaining, “This municipal ID card connects New Yorkers to services, programs, and benefits, regardless of immigration status, homeless status, or gender identity.” To qualify for a card the person must apply in person and “bring documents to prove your identity and that you live in New York City.” <http://www1.nyc.gov/nyc-resources/service/4146/idnyc-municipal-id-cards>

United States/Oregon. A professor at the University of Oregon sent an email to the university library (which holds the university archives), asked to see records of the university’s president, and “an unnamed employee provided a copy of the digital files” without redaction. When university officials learned of the release, they demanded that the professor return the records, which he did. Two archivists “were placed on paid administrative leave after the documents’ release was discovered,” reported *The Register-Guard*, and the university has hired a law firm to “conduct an investigation into how and why the documents were released, and to suggest how similar incident can be prevented in the future.” <http://registerguard.com/rg/news/local/32704897-75/story.csp>

Publications and Exhibitions. For Holocaust Memorial Day January 27 Italian archives organized an exhibition on Ermanno Loevinson (originally Löwinson, Italianized when he took Italian citizenship), archivist and historian, born in Berlin in 1863 and died in Auschwitz in 1943. He was the Director of the State Archives of Parma (1927-30) and the State Archives of Bologna (1930-34). More information can be found on the website of the State Archives of Bologna: <http://www.archiviodistatobologna.it/it/novita-avvisi/novita/ermanno-loevinson-un-archivista-vittima-della-shoah> Thanks to Giulia Barrera for the information.

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