

Le 1er décembre est la Journée mondiale du sida, le 2 décembre est la Journée internationale pour l'abolition de l'esclavage, le 3 décembre, c'est la Journée internationale des personnes handicapées, le 5 décembre, c'est la Journée internationale des volontaires pour le développement économique et social, le 9 décembre, c'est la Journée internationale de lutte contre la corruption, le 10 décembre est la Journée des droits de l'homme, le 18 décembre est la Journée internationale des migrants, le 20 décembre est la Journée internationale de la solidarité humaine

Nouvelles de novembre 2011

Compilé par Trudy Huskamp Peterson, présidente, HRWG

Ce qui suit est le numéro vingt-quatre d'une série de brèves discussions sur les articles de la Déclaration universelle des droits de l'homme (DUDH) et les fonds d'archives qui s'y rapportent.

Déclaration universelle des droits de l'homme : Article 23.

- 1. Toute personne a droit au travail, au libre choix de son travail, à des conditions équitables et satisfaisantes de travail et à la protection contre le chômage.*
- 2. Tous ont droit, sans aucune discrimination, à un salaire égal pour un travail égal.*
- 3. Quiconque travaille a droit à une rémunération équitable et satisfaisante lui assurant ainsi qu'à sa famille une existence conforme à la dignité humaine et complétée, s'il y a lieu, par tous autres moyens de protection sociale.*
- 4. Toute personne a le droit de fonder avec d'autres des syndicats et de s'affilier à des syndicats pour la défense de ses intérêts.*

De nombreux pays connaissent des taux de chômage sans précédent depuis les années 1930, la promesse de l'Article 23 concernant la "protection contre le chômage" semble utopique. Pourtant, le contexte de cette phrase venait de la crise de l'emploi pendant la Grande Dépression, des difficultés d'absorption de la main-d'œuvre des personnes démobilisées et déplacées suite à la Seconde Guerre mondiale, et la discrimination contre les Juifs pendant les années nazies. Au moment où la déclaration a été rédigée, l'Article 55 de la Charte des Nations Unies avait déjà engagé les Nations Unies à promouvoir le «plein emploi», ce qui pouvait suggérer que le schéma de base du droit à l'emploi était établi. Mais, en fait, la rédaction de l'Article s'est révélée extrêmement conflictuelle; Johannes Morsink, l'auteur de l'ouvrage définitif sur la rédaction de la Déclaration, consacre un chapitre entier à essayer de l'expliquer. Morsink conclut qu'un «lobby très influent d'Amérique latine domine ce segment de l'historique de la rédaction de la Déclaration», auquel se rajoutent également les tensions entre les organisations économiques socialistes, communistes et capitalistes, les intérêts de

l'Organisation internationale du Travail, et les pressions exercées par les syndicats nationaux et internationaux, entre autres. En une phrase obsédante qui a été éliminée lors de la rédaction finale, le délégué français René Cassin, en paraphrasant un communiqué de l'Organisation mondiale de la Santé, a résumé le but de l'Article 23: «Le travail humain n'est pas une marchandise». Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, pp. 157-190.

En 1966, le Pacte international relatif aux droits économiques, sociaux et culturels a élargi l'Article 23 dans ses articles 6, 7 et 8. Quarante ans plus tard, en 2005, le Conseil économique et social des Nations Unies a adopté l'Observation générale n°18, qui a amplifié les objectifs et bases fondamentaux du droit au travail mentionnés dans la Déclaration et du Pacte. Le commentaire général souligne les "thèmes spéciaux de portée générale", incluant le droit au travail pour les femmes, les jeunes et les personnes âgées, les personnes handicapées, les travailleurs migrants et la protection des enfants "contre toutes les formes de travail qui sont susceptibles d'interférer avec leur développement ou leur santé physique ou mentale."

De plus en plus, l'application de l'Article 23 semble impliquer les entreprises privées, nationales et multinationales. Le Conseil international pour l'étude des droits de l'homme a publié un rapport en 2002, "Au-delà du bénévolat: Les droits humains et les obligations émergentes juridiques internationales des entreprises", tandis que la même année, une réunion d'experts a adopté les "Principes de Montréal relatifs aux droits économiques, sociaux et culturels des femmes", qui invite expressément les États à "empêcher les sociétés transnationales et autres entités commerciales de violer les droits économiques, sociaux et culturels des femmes sur leur territoire". Et ce qu'un universitaire appelle "les tiraillements de la mondialisation" ont mis en relief la vulnérabilité des travailleurs migrants quant à la nature de l'exploitation contre laquelle l'Article 23 met en garde. L'Observation générale n°18 est sur <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/403/13/PDF/G0640313.pdf?OpenElement>;

les Principes de Montréal sont sur :

<http://www.cesr.org/downloads/Montreal%20Principles.doc>;

“Beyond Volunteerism” se trouve sur http://www.ichrp.org/files/reports/7/107_report_en.pdf;

Travailleurs migrants : <http://www.wcl.american.edu/hrbrief/14/3varia.pdf?rd=1>;

<http://www.wcl.american.edu/hrbrief/14/3misra.pdf?rd=1>

Les archives d'entreprises et de syndicats (local, national et international) sont des ressources essentielles pour la compréhension de l'application de l'Article 23 des Droits de l'homme. De même, les documents des organisations non gouvernementales qui mettent l'accent sur le droit du travail, les droits des travailleurs migrants, le travail des enfants, la traite des êtres humains à des fins d'exploitation de main-d'œuvre, l'âge et la discrimination sexuelle au travail. Les archives de l'Organisation Internationale du Travail à Genève, en Suisse, fournissent des informations sur les questions du travail qui sont antérieures à l'Organisation des Nations Unies, tandis que les archives du gouvernement du travail et des ministères du commerce, les organismes de réglementation du commerce, les tribunaux et les procureurs ont tous une importante documentation sur le droit au travail. Et, comme pour tous les Articles, les papiers personnels des militants, des journalistes, des dirigeants syndicaux et des chefs d'entreprises contribuent puissamment à notre compréhension des tiraillements de la main-d'œuvre dans l'économie mondiale.

Nouvelles du Conseil international des Archives. La Déclaration universelle sur les archives, adoptée par le Conseil international des archives en octobre 2010, a été approuvée

par la 36e session de la Conférence générale de l'UNESCO. La Déclaration a été présentée par Omar Papa Diop, l'ambassadeur du Sénégal à l'UNESCO qui était auparavant l'Archiviste national du Sénégal. La Déclaration est disponible en plusieurs langues sur le site Internet du Conseil international des archives à <http://www.ica.org/11491/reference-documents/unesco-officially-endorses-the-uda.html>. C'est un outil puissant qui peut être utilisé pour améliorer la compréhension du public sur les archives. Pour des informations sur le développement de la Déclaration, voir l'article de Kim Eberhard et Colleen McEwan, "Development and Implementation of the International Council on Archives' *Universal declaration on archives* 2007-2011," dans *Archives and Manuscripts*, Vol. 39 No. 1, pp. 196-214.

Le projet de l'ICA sur les *Principes d'accès aux archives* est ouvert aux commentaires jusqu'au 31 janvier 2012. Les Principes, ainsi qu'un rapport technique suggérant des moyens d'appliquer les principes et un glossaire sont disponibles sur le site de l'ICA à <http://www.ica.org/9400/news-events/principles-for-access-to-archives-give-your-opinion-now.html>. Le Principe 6 inclut une référence spécifique à l'accès aux archives dans le but de faire valoir les droits humains.

Nouvelles du groupe de travail sur les Droits de l'Homme. Trois grandes conférences ont eu lieu en novembre 2011 sur les archives et les droits de l'homme. Le ministère de la Culture du gouvernement de l'Andalousie, en Espagne, en coopération avec l'Université de Malaga et le Conseil international des archives, a présenté un séminaire international à Malaga, en Espagne, sur "Héritage, conflits et droits humains". Les communications seront publiées en janvier dans la revue électronique *ARCH-E*, et un résumé de la conférence est publiée sur le site Internet du Conseil international des archives <http://www.ica.org/11794/news-events/archives-and-human-rights-in-malaga-a-fruitful-seminar.html>. Une deuxième conférence, «Archives de la police secrète: un défi pour la transition démocratique» a eu lieu à Tunis, en Tunisie, par l'organisation non gouvernementale Le Labo' Démocratique, soutenue par le Centre pour le contrôle démocratique des forces armées de Genève, en Suisse. Pour le programme de la conférence, voir <http://nsarchive.wordpress.com/2011/11/30/tunisia-and-the-archives-of-the-secret-police/>. Et en Colombie, El Archivo General de la Nación a organisé un séminaire sur le thème "Archivos y Derechos Humanos: Organización, Protección y Acceso". Le programme est disponible à l'adresse <http://www.archivogeneral.gov.co/index.php?idcategoria=6257#>. Merci à Perrine Canavaggio pour le lien vers le séminaire colombien.

Le Département fédéral suisse des Affaires étrangères, les Archives fédérales suisses et l'organisation non gouvernementale Swisspeace, ont lancé un projet de joint-venture, «Archives et traitement du passé». Les représentants de Swisspeace ont présenté le projet aux membres du Groupe de travail sur les droits de l'homme lors du séminaire à Malaga, en Espagne. L'objectif du projet est de «fournir un appui aux gouvernements, aux organisations internationales et aux ONG liées à la protection des archives qui documentent les violations des droits de l'homme». Le projet va entreprendre "une évaluation pour déterminer les besoins spécifiques avec les acteurs locaux" et les soutenir dans "la conception et la mise en œuvre des réponses sur mesure" avec l'aide d'un "vaste réseau d'experts" qui, sur demande, offrira "des formations, des analyses et des conseils". Le projet "soutient également les acteurs locaux pour trouver des fonds à ces fins". Pour de plus amples renseignements, contactez Swisspeace, Projet des Archives et traitement du Passé, Sonnenbergstrasse 17, CH-3000 Bern 7, Switzerland, tel +41 (0)31 330 10 78, archives@swisspeace.ch, www.swisspeace.ch/dwp.

Les nouvelles sont en anglais

International news.

United Nations. The three member independent international commission of inquiry on the Syrian Arab Republic, established by the United Nations Human Rights Council, reported on November 23, 2011. Although the commissioners were not granted access to Syria, they interviewed 223 “victims and witnesses of alleged human rights violations” and gathered a “substantial body of evidence,” including “reports, scholarly analyses and media accounts, as well as audio and visual material.” In paragraph 9 of their report, the commissioners wrote, “The information collected is stored in a secure database governed by United Nations rules on confidentiality.” In paragraph 10, they amplify this by stating, “The protection of victims and witnesses lies at the heart of the methodology of human rights investigations. While the collected information remains confidential, the commission is deeply concerned about the possibility of reprisals against individuals who cooperated with it, and against their relatives in the Syrian Arab Republic. It is also concerned about the protection of those individuals who openly spoke to the media in an attempt to counter the news blockade imposed by the Government.” <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/17/docs/A-HRC-S-17-2-Add1.pdf>

Implementation of right to know laws. 105 countries have legislation that — on paper — gives citizens the right to know what is happening in their governments. The Associated Press, a U.S. cooperative news agency, decided to test these laws by submitting questions about terrorism arrests and convictions to the European Union and the 105 countries. “More than half of the countries did not release anything, and three out of ten did not even acknowledge the request,” the AP reports. The AP now invites people “to submit suggestions for future freedom of information requests in any country” to <http://apne.ws/vgMTQ6>. For a summary of the study, see <http://www.seattlepi.com/news/article/AP-Impact-Right-to-know-laws-often-ignored-2273612.php>

Australia/United Kingdom. Before heading off to fight in the First World War, some Allied soldiers sat for studio photographs of themselves. After the war 1600 unclaimed photographs were collected by the Imperial War Museum in London, unclaimed “mainly because soldiers never returned from battle to collect them,” the *Sydney Morning Herald* reported. Now digital copies of the portraits of Australians among the collection have been sent to the National Archives of Australia. The Australian Veterans’ Affairs Minister said, “It was a common practice during the First World War for many Australian troops to visit a photographic house in London before heading to the Western Front; the plan was to send their portraits back home to their families. Sadly for some, they never made it back to collect the photos, and their families may never have known they existed.” <http://www.smh.com.au/national/unclaimed-portraits-of-lost-diggers-sent-home-20111103-1mxye.html>

Chile/United States. A judge in Chile indicted a former U.S. Army Captain and a Chilean intelligence officer for the murders of two American citizens in September 1973. The indictment cited a number of declassified documents “as the basic foundation for the case,” reported the U.S. non-governmental organization the National Security Archive, which posted a number of the documents on its website. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB366/index.htm>

Croatia/Serbia. In a good example of the importance of official orders in establishing responsibility, the Vukovar (Croatia) 1991 Lawyers' Association submitted to the War Crimes Prosecutor of Serbia an order issued by the former Yugoslav Peoples' Army Security Department on 10 October 1991 on the establishment of a "collection camp" at Stara Gradiska, Croatia, and at several locations in Serbia. The order is an annex to the criminal complaint the Association filed with the Prosecutor in 1991, reported the Belgrade Humanitarian Law Center. The camps were sites of killings and torture during the Balkan wars of the 1990s. <http://www.hlc-rdc.org/index.php/en/public-informationoutreach/news/1584-udruenje-logoraa-podnelo-krivinu-prijavu>

Honduras/Iran/Lebanon/Nicaragua/United States. A Freedom of Information request filed by the National Security Archive led to the release of memorandum on the "criminal liability" of U.S. president Ronald Reagan and vice president George H.W. Bush for the use of funds from the sale of arms to Iran to fund the covert war against the government in Nicaragua (known as the Iran-Contra affair). The memorandum was prepared by the U.S. Independent Counsel, who determined that the president was briefed in advance about the weapons shipments and the vice president chaired a committee that recommended mining harbors in Nicaragua but that no criminal liability could be proved. The Iran-Contra affair included efforts to gain the release of U.S. hostages in Lebanon and working with the Honduran government to support the opponents (the "Contras") of the Nicaraguan state. <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB365/index.htm>

Iraq/Kuwait. Iraq informed the president of the United Nations Security Council that it will return to Kuwait some archives that it seized during its 1990 invasion of Kuwait. The transfer apparently will be 136 microfilm reels of the official newspaper *Kuwait Today*. Iraq also established a committee to coordinate "the efforts relating to Kuwaiti national archives," which were taken during the 1990-1991 occupation of Kuwait. <http://www.kuna.net.kw/NewsAgenciesPublicSite/ArticleDetails.aspx?id=2204147&Language=en>

Iraq/United States. Following the press reports of a conference in Washington, DC, that included the public release of some Iraqi records seized during the war in Iraq and transported to the United States (see October 2011 *HRWG News*), *Al-Ahram Weekly* published a strong demand for the return of the records to Iraq. The article raised "serious questions about the right of the United States to seize Iraqi state documents and keep them under its control even after ending its eight years of occupation next month." It concluded by asking, "By what right will US academia obtain and research the Iraqi records without Iraqis' consent or participation?" <http://weekly.ahram.org.eg/2011/1071/re10.htm>

Netherlands/Rwanda. A judge in The Netherlands ruled that three documents found during the search of The Netherlands home of Rwandan opposition leader Victoire Ingabire, now in prison in Rwanda, could be sent to the Rwandan government for use in her prosecution, the *International Justice Tribune* reported. The ruling is controversial, with Ingabire's lawyer arguing that she cannot get a fair trial in Rwanda and that the European Court of Human Rights has held "that individuals within the jurisdiction of the of the European Convention on Human Rights must be protected from violations of their human rights outside the territory of this State." <http://www.rnw.nl/international-justice/article/netherlands-may-send-ingabire-documents-rwanda>

Palestine (Gaza)/Turkey. The Gazan Ministry of Interior complained that Turkey has not yet provided to Gaza the copies of the Ottoman-era Gazan historical title deeds and population records it has requested. The Ministry said that the records in Gaza “were completely destroyed during the war between 2008 and 2009” and that “the only documents remaining from the Ottoman era are in Turkey,” reported *Today’s Zaman*. Ottoman land registers for Palestine were microfilmed by the British before the end of the Mandate, and a copy was made for the United Nations Conciliation Commission for Palestine which is now in the United Nations Archives. In the late 1990s, the UN microfilm copy was scanned and copied to CD-ROMS which were deposited with the PLO and with the Institute for Palestine Studies. Subsequently the United Nations and the PLO used the CD-ROMS to create a GIS computer data base linking the property records with maps. For a detailed account of the Ottoman property records on Palestine, see Michael R. Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict* (New York: Columbia University Press, 2003), especially pages 248-249, 307-312 and 336-340.

<http://www.todayszaman.com/news-263823-gaza-yet-to-receive-historical-title-deeds-from-turkey.html>

Rwanda/United States. The Shoah Foundation Institute’s Visual History Archive at the University of Southern California is one of the largest repositories in the world of video testimony from Holocaust survivors. Now it has “formed landmark collaborations with IBUKA, the umbrella organization representing survivors of the 1994 Rwandan Genocide, and the Kigali Genocide Memorial Center” to add testimonies from survivors of the Rwandan genocide to the Archive, a press release from the university says, adding, “The local organizations will retain ownership of the files, with the Shoah Foundation Institute helping build expertise in visual cataloguing and providing a technical platform for worldwide dissemination.”

http://uscnews.usc.edu/university/usc_shoah_institute_to_expand_archive.html

National news.

Argentina. After a two-year trial covering 86 separate crimes and hearing testimony from more than 150 witnesses, 16 former military officers were convicted by the Federal Court in Buenos Aires of crimes against humanity. This is the first case that centered on gross violations of human rights that took place at ESMA (Escuela Mecanica de la Armada or Naval Mechanics School), which was the biggest clandestine detention center during Argentina’s military dictatorship. Another trial on violations at ESMA is scheduled for 2012; the records of the two trials will be powerful archival holdings on the prosecution of human rights violations. <http://www.rnw.nl/international-justice/article/guilty-argentina-dirty-war-commanders>

Australia. An audit of the Department of Immigration and Citizenship, given to the Department in February but reported in the press in November, found that record-keeping was “inadequate,” the *Canberra Times* reported. In particular, “ministerial decisions to deny asylum-seekers refugee status could later be challenged in court because bureaucrats had failed to keep adequate records.”

<http://www.canberratimes.com.au/news/national/national/general/bowen-exposed-by-poor-diac-records/2365925.aspx>

Canada. *The Canadian Press* reported that the confidential tax files of almost 2,700 Canadians are missing after a Canada Revenue Agency worker downloaded them on CDs, took them home and let a friend download them onto a laptop which has since disappeared. <http://m.ctv.ca/topstories/20111106/personal-tax-files-missing-on-laptop-111106.html>

The Truth and Reconciliation Commission of Canada announced a call for submissions to host the future National Research Centre on the residential school system in Canada, including the records of the Commission itself. Submissions are due by February 16, 2012. http://www.myrobust.com/websites/trcinstitution/File/pdfs/NRC%20-%20Call%20NOV%2016_EN_FINAL.pdf In other Commission news, it reported that it does not have enough funds “to execute its full mandate to collect historical records because the federal government and the churches won’t pay for the costs.” According to *APTN News*, the Commission says it is having difficulty obtaining historical records in the archives of churches and the federal government, and that Library and Archives Canada told the Commission that it “can’t give the commission any records unless they get specific approval from each department that deposited the records.” <http://aptn.ca/pages/news/2011/11/22/ottawa-churches-playing-hardball-over-residential-school-historical-documents-trc-charges/>

Croatia. In a striking reminder of the importance of voting registers and citizenship records, the official electoral roll issued by Croatia’s Administration Ministry for the December 4 general election showed more voters than residents, reported *balkaninsight.com*. The 2011 census showed that Croatia has 4,290,612 inhabitants and the register contained the names of 4,504,081 voters. Even considering the 411,758 registered voters who live abroad, the roll raises questions about the “legality and legitimacy” of the election process. <http://www.balkaninsight.com/en/article/voters-outnumber-residents-in-croatia>

Finland. Data on 16,000 Finns appeared on a public file-sharing website, including social security numbers, home addresses, telephone numbers and email addresses. The information may have come from “about 10 adult organisations,” reported *YLE* Finnish Broadcasting Corporation. The National Bureau of Investigation launched a criminal investigation into the leak, but a data security expert said he suspected careless handling rather than criminal activity was behind it. http://www.yle.fi/uutiset/news/2011/11/16000_finns_details_shared_online_3005627.html?print=true

Germany. Last February the Bundesnachrichtendienst (BND, the German Foreign Intelligence Agency) appointed four historians to look into the ties between the Third Reich and the BND and its predecessor. The historians reported in November—and the BND confirmed-- that the BND “destroyed the personnel files of around 250 BND officials in 2007,” reports *Spiegel Online*. The historians claim “that the destroyed documents include papers on people who were ‘in significant intelligence positions in the SS, the SD (the intelligence agency of the SS and the Nazi Party) or the Gestapo’” including some individuals who had “been investigated after 1945 for possible war crimes.” *Spiegel* also reported that it recently requested access to the BND file relating to SS Captain Alois Brunner, an associate of Adolf Eichmann, but was told that the 581-page file had been destroyed in the 1990s. The historians are now “demanding that the BND consult before any more ‘potentially valuable historical records’ are destroyed.” <http://www.spiegel.de/international/germany/0,1518,800809,00.html>

A researcher at the Bundesbeauftragte für die Stasi-Unterlagen (BStU, the Stasi archives) has pieced together information on the Stasi's collaborators in West Germany during the 40 years of two Germanies. He estimates that there were 3000 such people, of which he has found data on about 1000, including a pastor in Munster who submitted at least one report on Joseph Ratzinger, today Pope Benedict XVI, reported *The Guardian*.

<http://www.guardian.co.uk/world/2011/nov/23/germany-stasi-west-pope-benedict?newsfeed=true>

Guatemala. “The bodies of two men whose disappearance in 1984 was recorded in the notorious Guatemalan ‘death squad diary’ have been located on a former military base outside the capital and positively identified through DNA testing,” the National Security Archive reported. The Archive holds the original diary; the Forensic Anthropology Foundation of Guatemala exhumed the bodies in 2003 and has now confirmed the identities through DNA testing. For an excellent report on the diary and the forensic identification work, see

<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB363/index.htm>

India. *The Times of India* reported that the Delhi Development Authority is constructing a “swanky building” of 3000 square metres to store the records of land ownership. *The Times* quotes the Authority as saying the new building and its new records systems “will help cut down on delays in processing requests from the public for various official purposes like conversion, allotment and even grievance redressal.”

<http://timesofindia.indiatimes.com/city/delhi/DDA-records-to-get-swanky-home-in-Ghazipur/articleshow/10698163.cms>

The officer in charge of the police station in New Delhi that received the first report of Mahatma Gandhi's assassination has “preserved, translated, laminated and put [it] up for display in his office,” reported *indianexpress.com*. The house where the assassination took place is now a museum, and the museum director said he would “definitely take steps” to have the report transferred from the police station to the museum.

<http://www.indianexpress.com/news/a-police-station-reaches-into-forgotten-archives-to-honour-mahatma/875269/>

Ireland. *RTE News* reported that the private papers of Brendan Duddy, “an intermediary between the British government and the IRA leadership” who is still alive, are now open (with some restrictions) at the National University of Ireland Galway. The documents span 20 years of the conflict and include “coded diaries of contact and messages exchanged between the British government and the Republican leadership at the height of the Troubles.”

<http://www.rte.ie/news/2011/1122/duddyb.html>

Kenya. Human Rights Watch released a report in late October titled “Hold Your Heart,” which called on the government of Kenya to “exhume mass graves and determine the role that the Kenyan security forces and the local militia played” in forced disappearances of more than 300 people in the Mount Elgon region of western Kenya between 2006 and 2008. A Human Rights Watch researcher pointed out to the *Voice of America* the importance of documents in bringing closure to relatives in the cases of disappearances: “They have not been able to get death certificates, because to get a death certificate, you have to prove somebody has been killed. With the death certificate comes a certain number of benefits as well as access to their family members' bank accounts, to their land titles, etc.” A lawyer for one of the missing said that an affidavit he had filed in the case “was pinched from the court file,” adding, “And that is why when the judge made that verdict, the judge did not have the

opportunity to look at the names because they were missing from the court file.” The report is at <http://www.hrw.org/reports/2011/10/27/hold-your-heart>; the VOA reporting is at <http://www.voanews.com/english/news/africa/Human-Rights-Watch-Urge-Kenya-to-Investigation-Missing-Kenyans-132713148.html>

Kosovo. The Humanitarian Law Center (based in Belgrade, Serbia) and the Humanitarian Law Center Kosovo published the first volume of *The Kosovo Memory Book, 1998*. The introduction explains that the book “lists the name and surname of each person killed during the Kosovo conflict because of his or her nationality: the men, women, and children, the sick, the old, and the helpless” including the missing persons; the editors rejected separating “civilian victims from military casualties” or Serbian victims from Albanian ones. Each of the 2,046 narratives is scrupulously footnoted with the sources used to compile the information, including more than 8,400 interviews with family members of victims: this is a model volume of documentation. These intrepid Centers argue “that stating the facts will eventually help to bring about a climate of solidarity and fellow-feeling among all victims of the war, and to overcome these sentiments of enmity, particularly between the families of victims of war crimes, whatever their ethnicity or religious beliefs.”
www.kosovomemorybook.org

Lithuania. The *Privacy and Information Security Law Blog* posted a notice that Lithuania amended its data protection law to require “providers of publicly-available electronic communications services or of public communications networks” to “notify the data protection authority of data security breaches, and, when the breach is likely to have an adverse effect on the privacy of affected individuals, the data controller also may be required to notify those individuals.”
[http://www.huntonprivacyblog.com/2011/11/articles/new-breach-notification-requirement-in-lithuania/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+PrivacyInformationSecurityLawBlog+\(Privacy+%26+Information+Security+Law+Blog\)&utm_content=Google+Reader](http://www.huntonprivacyblog.com/2011/11/articles/new-breach-notification-requirement-in-lithuania/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+PrivacyInformationSecurityLawBlog+(Privacy+%26+Information+Security+Law+Blog)&utm_content=Google+Reader)

Nepal. The three major political parties agreed to “expedite the process of forming a Truth and Reconciliation Commission,” said *The Kathmandu Post*. <http://www.ekantipur.com/the-kathmandu-post/2011/11/14/nation/big-3-to-expedite-trc-formation/228206.html>

Peru. CMAN, the high-level commission in charge of reparations to persons affected by violence during Peru’s civil war (1980-2000) has a national register of compensation listing “a total of 60,000 beneficiaries, far short of the 3m people believed to have been affected by the conflict,” the *BBC* reported from Lima. A lawyer for a human rights organization who represents some of the victims said, “We have a justice system that is indifferent, a defence ministry that does not want to release information, and judges who don’t want to believe the victims.” An estimated 69,000 people died or disappeared during the conflict, and “many of the victims are still waiting to find out what happened to their loved ones.”
<http://www.bbc.co.uk/news/world-latin-america-15718695>

Serbia. The Belgrade Humanitarian Law Center published a dossier on the role of the 10th Sabotage Detachment of the Main Staff of the Bosnian Serb army, which was composed of 50 to 60 men. The Center previously had given the dossier to the Office of the War Crimes Prosecutor. According to the *International Justice Tribune*, “The Centre claims that most of the tasks given to this detachment were secret, and that most of the written documents about them and their activities are still missing, while huge numbers of orders were given only

verbally.” <http://www.rnw.nl/international-justice/article/srebrenica-secrets-10th-sabotage-detachment>

South Africa. Persons who appeared before the Truth and Reconciliation Commission are now asked to make reparations claims at the regional offices of the Department of Justice, *The New Age* announced. The Government “closed all new applications” for compensation, according to a human rights activist, underscoring the importance of the record of who appeared before the Commission because that is now the key to compensation. http://www.thenewage.co.za/35250-1016-53-Apartheid_victims_to_score_R30k

Swaziland. In a rebuttal to reports that the Deeds Office was closed (see October 2011 *HRWG News*) unidentified “Deeds Offices registrars” spoke to *The Swazi Observer* and asserted that the Deeds Office is open to “those who had valid reasons for seeking information, and they as registrars, had the prerogative to decide whether a visitor could be allowed access or not.” The newspaper quoted one registrar as saying, “We can argue about the constitutional right to information, but such a right is again abused by the same people who peddle it. As an office, we have a mandate to safeguard information that could be manipulated for devious ends.” <http://www.observer.org.sz/index.php?news=32680>

Sweden. In 2010 the Supreme Administrative Court granted an academic researcher “exclusive access, with strict restrictions, to the archives” of the Swedish state security service (Sapo), *The Local* reported. In September a book based on that research was released, in which the author recounted the activities (but not the names) of 57 people who were the East German Stasi’s secret service agents and contacts in Sweden. Pressure now is developing on the government to provide more research access to the Sapo files, with both opposition political parties and parties that are in the governing coalition suggesting that greater openness is needed. <http://www.thelocal.se/37266/20111109/>

United Kingdom. The British non-governmental organization Big Brother Watch reported that 132 local authorities lost sensitive information in at least 1035 separate incidents between July 2008 and July 2011. The organization used Freedom of information requests to 434 local authorities to compile the report. At least 35 councils lost information about children and those in care; at least 244 laptops and portable computers, 98 memory sticks, and more than 93 mobile devices are missing. <http://bigbrotherwatch.org.uk/la-data-loss.pdf>

It is not just public authorities that lose data, of course. A news release from the Information Commissioner’s office announced that a “former gambling industry worker who unlawfully obtained and sold personal data relating to over 65,000 online bingo players” plead guilty to violating the Data Protection Act. The case, some aspects of which are still under investigation, involves a leak of data about the customers of Foxy Bingo and Gala Bingo. http://www.ico.gov.uk/news/latest_news/2011/gambling-worker-guilty-of-selling-65000-bingo-players-details-10112011.aspx

According to a study by the National Association for Information Destruction, private investigators examined the contents of London’s publicly accessible commercial trash containers to determine the amount of personal information present. Overall “44 percent of the institutions [surveyed], each with a legal burden to protect personal information, were found to be casually discarding personal information,” reported *sbdmagazine.com*, noting that the survey covered the trash of “a number of London-area hospitals, law offices, bank

headquarters and branch offices as well as government agencies.” Just a few days after the study was released, the *BBC* reported that southeast London’s Southwark Council left records with personal information, including medical histories, on more than 7000 people in an empty building for two years. The records were found by the new tenant of the building.

<http://www.sdbmagazine.com/naid-survey-confidential-data-london-exposure.aspx>;
<http://www.bbc.co.uk/news/uk-england-london-15822206>

United States. A U.S. District Court judge ruled that persons using Twitter “voluntarily chose to use Internet technology to communicate with Twitter and thereby consented to whatever disclosures would be necessary to complete their communications.” In substance the decision holds that “people don’t have a reasonable expectation of privacy if they give information to another party, such as an Internet provider.” The case involved three Wikileaks associates whose Internet protocol information was sought by the U.S. Government. For the story, see <http://blogs.wsj.com/digits/2011/11/10/feds-can-get-twitter-users-data-without-warrant-judge-says/?mod=WSJBlog>; for the federal court order see <http://on.wsj.com/vv9YqJ>

The National Federation of the Blind’s Jernigan Institute announced that it is “developing a manuscript collection on blindness” which includes 326 linear feet of the personal papers of Jacobus tenBroek, the founding president of the National Federation of the Blind, and the archives of the Federation itself. NFB Archon (<http://archon.nfb.org/index.php>) is the portal to the library’s archives and manuscripts collection.

Arizona. The University of Arizona’s Library Special Collections department announced it has obtained the archives of Humane Borders, a nonprofit, Tucson-based organization dedicated to minimizing migrant deaths.

http://www.wildcat.arizona.edu/index.php/article/2011/11/special_collections_receives_set_of_humane_borders_archives

Florida. The Department of Juvenile Justice’s investigation into the dosing of jailed children with powerful antipsychotic drugs is taking a “frustratingly long time,” says the head of the Department, largely due to a “lack of electronic medical records.”

<http://www.palmbeachpost.com/news/crime/shoddy-records-stall-drug-probe-at-florida-department-1949798.html>

Georgia. In the past, when Clarke County coroners left office they routinely took with them the records of the deaths they had investigated. The county is now collecting the records from past coroners, although some records cannot be located. The practice came to light when the parents of a murdered girl, who “fought for 10 years” to get a copy of the death certificate, learned that the coroner’s office did not have it: it was in the personal possession of a previous coroner.

<http://onlineathens.com/local-news/2011-11-06/coroner-seeks-permanent-repository-death-files>

Illinois. Mary Todd Lincoln, the widow of President Abraham Lincoln, was committed to an “insane asylum” following an insanity hearing and jury verdict in 1876. The file on the insanity hearing, in the possession of the Cook County circuit clerk, was transferred to the Abraham Lincoln Presidential Library and Museum for preservation and access.

<http://www.chicagotribune.com/news/local/breaking/chi-cook-county-losing-mary-todd-lincoln-commitment-papers-20111101,0,3849430.story>

Pennsylvania. In an ongoing case involving an assistant football coach at Penn State University alleged to have sexually abused young boys, key evidence might be found in the records of a charity for at-risk children that the coach founded. However, *The New York Times* reported that the charity's board of directors recently learned that records from about 200 to 2003 are missing.

<http://content.usatoday.com/communities/ondeadline/post/2011/11/report-says-key-files-from-jerry-sanduskys-charity-are-missing/1?csp=34news>

Uruguay. Uruguay's parliament adopted a law allowing the judiciary to investigate crimes against humanity that may have been perpetrated by the military government that ruled Uruguay between 1973 and 1985. Records should play an important role in cases brought under this law, which revokes the 1986 "Expiry Law" that prohibited the judiciary from independently determining whether to proceed with a case, explained the *International Justice Tribune*. <http://www.rnw.nl/international-justice/article/uruguay-expiry-law-revoked>

Calls for papers, conferences, publications.

The National Archives of Egypt will hold a conference on "The Archive and the Revolution" December 20-22, 2011. The program includes such topics as archives and the study of the revolutions, the disposal of the documents of revolutions, and the attempts to document revolutions. Thanks to Perrine Canavaggio for this information.

The 13th annual American Indian Studies Association Conference will be held February 2-3, 2012, at Arizona State University, Tempe, Arizona, U.S. The conference theme is "Making the UN Declaration on the Rights of Indigenous Peoples Work for Tribal Communities." The organizers welcome paper proposals; they should be sent by December 15, 2011, to Elizabeth Martos, elizabeth.martos@asu.edu.

The VI Congress of the Archives of Castille and León will be held May 9-11, 2012, in Valladolid, Spain. The theme is "El derecho a saber y el deber de la privacidad: el acceso a los documentos." Three themes will be explored: the right to know and transparency in public administrations; the influence of standards on the protection of data and archives; and the problem of access to archives and the harmonization of the right to know and the rights of persons to the protection of information about themselves. For further information, see the website of the Congress <http://www.congresoacal.es/comunicaciones>. Thanks to Didier Grange for this information.

Accounting for Hunger: The Right to Food in the Era of Globalisation is a new volume from Hart Publishing, edited jointly by the UN Special Rapporteur on the Right to Food and a human rights lawyer. <http://www.hartpub.co.uk>

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(Traduction française : Cristina Bianchi)