



2012 est l'Année internationale de l'énergie durable pour tous, le 27 janvier est la Journée internationale de commémoration en mémoire des victimes de l'Holocauste

Nouvelles de décembre 2011

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Ce qui suit est le numéro vingt-cinq ans 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 24.

Toute personne a droit au repos et aux loisirs et notamment à une limitation raisonnable de la durée du travail et à des congés payés périodiques. .

Lors des festivités du Nouvel An qui arrivent bientôt, de nombreuses personnes à travers le monde ont des jours fériés payés. Peu, cependant, savent probablement que leur droit à un jour de congé payé de repos est protégé par l'Article 24 de la Déclaration universelle des droits de l'homme. Cette protection est antérieure à la DUDH de plusieurs décades : elle a d'abord été affirmée comme un principe universel dans l'article 427 du Traité de Versailles mettant fin à la Première Guerre mondiale. Les Hautes Parties contractantes du traité pensaient que "les conditions de travail qui existent impliquant l'injustice, la misère et les privations pour un grand nombre de personnes peuvent conduire à un tel mécontentement que la paix et l'harmonie dans le monde sont mises en danger, et qu'une amélioration de ces conditions est une nécessité urgente". Leur réponse a été de créer l'Organisation internationale du travail (OIT). Les Hautes Parties contractantes ont établi les neuf "principes généraux" d' "importance particulière et urgente" que l'OIT doit soutenir, le cinquième étant "L'adoption d'un repos hebdomadaire d'au moins vingt-quatre heures, qui devrait comprendre le dimanche, tant que c'est possible".

http://www.ilo.org/public/libdoc/ilo/1920/20B09_18_engl.pdf.

En conséquence, en 1921 l'OIT a promulgué «La Convention de repos hebdomadaire dans l'industrie», qui dit que tout travailleur dans le secteur privé ou public devrait "profiter à chaque période de sept jours, d'un repos comprenant au moins vingt-quatre heures consécutives". L' Article 2, partie 3, a éliminé la partie de tradition chrétienne du cinquième principe général, en indiquant à la place: «Il doit, autant que possible, être fixé de manière à coïncider avec les jours consacrés par la tradition ou les usages du pays ou du district». La convention a été signée et ratifiée par 113 Etats. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C014>

Dans les débats sur la DUDH, ce contexte de l'OIT et le soutien des intérêts des syndicats ont été combinés avec l'influence des délégués latino-américains dont les constitutions d'Etat garantissent les droits au repos et aux loisirs (Brésil, Costa Rica, Cuba, Equateur, Guatemala, Mexique, Nicaragua et Panama) et l'influence des États communistes de Biélorussie, d'Ukraine et de l'URSS. Ces délégués ont fait valoir que le droit aux loisirs payé était crucial parce que, comme l'a dit le délégué de la Yougoslavie, «le droit au repos sans paye ne signifiait rien». Un argument intéressant concerne la finalité de la période de repos. Plusieurs délégués ont insisté pour que l'Article précise la raison du droit au repos ; les délégations des Philippines et de l'Argentine ont proposé le texte, "toute personne a droit à un temps de repos et de loisirs pour son bien-être spirituel, culturel et physique."

Comme Johannes Morsink l'écrit dans son ouvrage définitif sur l'histoire de la DUDH, ces propositions "ont été inspirées par la vision socialiste qui veut que les travailleurs ne se contentent pas d'un droit au repos et aux loisirs dans le but d'être de meilleurs et plus efficaces producteurs de profit pour ceux qui possèdent les modes et moyens de production". Finalement, les délégués ont convenu que ce niveau de détail devrait être laissé à une future convention, et l'Article 24 a été adopté. Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, pp. 181-190.

Comme les délégués s'y attendaient, les conventions suivantes ont amplifié le droit de se reposer dans le cadre des conditions de travail équitables. En 1957, l'OIT a adopté la convention du "repos hebdomadaire dans les commerces et bureaux", qui déclare que: «Les traditions et les coutumes des minorités religieuses doivent, autant que possible, être respectées», qui comprenait le respect des jours traditionnels de festivals et commémorations.

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C106>

La «Recommandation» soutenant cette convention reconnaît explicitement l'importance des archives dans l'affirmation de ce droit, en précisant au paragraphe 6, «Des mesures appropriées devraient être prises pour assurer le maintien de ces documents qui pourraient être nécessaires à la bonne administration des dispositions relatives au repos hebdomadaire et en particulier des documents des dispositions prises en ce qui concerne (a) les personnes à qui un régime spécial de repos hebdomadaire s'applique. (b) les personnes à qui les dérogations temporaires prévues à l'article 8 de la Convention de 1957 s'appliquent».

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R103>. Une décennie plus tard, le Pacte international relatif aux droits économiques, sociaux et culturels (adopté en 1966 et entré en vigueur en 1976) énonce à l'article 7 (d) que tout le monde a le droit au «repos, loisirs et à une raisonnable limitation des heures de travail, et aux congés avec rémunération, ainsi qu'à la rémunération des jours fériés».

L'Article 24 a suscité la controverse depuis le début. Qu'est-ce que cela signifie pour les paysans, les travailleurs agricoles et les travailleurs migrants, les travailleurs domestiques et les autres en dehors du "commerce et des bureaux" couverts par les conventions de l'OIT? Comment les dispositions seraient-elles implantées dans des pays comportant de nombreux groupes minoritaires? (Un article utile sur cette question est «Journées de culte et jours de repos: Une vue d'Israël» de Ruth Gavison. <http://www.gavison.com/a2695-days-of-worship-and-days-of-rest>).

Comment devraient-elles être appliquées dans les organisations internationales et multinationales qui attirent des employés de partout dans le monde? Et pourtant, le principe est désormais si largement accepté que la Société financière internationale, qui fait partie du groupe de la Banque mondiale qui accorde des prêts à des entreprises commerciales privées, l'inclut dans son «Guide d'évaluation et de gestion des droits de l'homme».

<http://www.guidetohriam.org/hriamtable/right-to-enjoy-just-and-favourable-conditions-of-work>

Comme les archives utiles pour l'Article 23, les archives ayant des documents pertinents pour l'Article 24 comprennent les archives des entreprises, des syndicats et des organisations non gouvernementales qui sont concernées par le travail et les droits des minorités. Pour l'Article 24, les dossiers des organisations religieuses peuvent également contenir des informations sur les efforts visant à obtenir la reconnaissance par les employeurs et les gouvernements des fêtes religieuses. Les archives des gouvernements, en particulier les archives législatives qui documentent l'adoption de lois concernant les jours fériés et les normes de travail, sont essentielles, et les archives de l'Organisation internationale du travail offrent des perspectives internationales et une possibilité importante d'approfondir les questions sur le travail. Les papiers personnels des dirigeants syndicaux, des militants et des industriels peuvent tous contenir des informations sur les débats en cours, sur l'étendue et la nature du repos et des loisirs pour tous les travailleurs.

Les nouvelles sont en anglais

International news.

Wikileaks. The documents released by Wikileaks over a year ago continue to make news. In Zimbabwe, *Newsday* reported that Jalubani Sibanda, the leader of the Zimbabwe National Liberation War Veterans Association, referred to Zimbabwean ZANU-PF (the ruling party) members who were named in Wikileaks documents as “lice.” Sibanda is quoted as saying “The situation (of officials implicated in the cables) we are facing can best be equated to a person wearing a shirt laden with lice . . . there is a time when ZANU-PF will decide to take off its shirt and deal with those lice.” The Veterans’ Association is closely allied with ZANU- PF.

<http://www.newsday.co.zw/article/2011-11-29-we-will-deal-with-wikileaks-lice-appropriately-sibanda> Meanwhile, in Eritrea a businessman was arrested in what *Gedab News* headlined as “Wikileaks Reprisal.” The businessman, whose wife is the Minister of Tourism, was quoted in two cables released by Wikileaks as complaining that the current head of state is ruining the country. <http://awate.com/wikileaks-reprisal-kifleyesus-arrested-corrected/>. Thanks to Giulia Barrera for this article.

Inter-American Commission on Human Rights/Argentina. The Inter-American Commission on Human Rights, at the request of Argentine judge Sergio Torres, released a number of documents, including photographs, from the Commission’s visit to Argentina in 1979. The records are to be used in the ongoing “megacase” on the crimes against humanity committed at the Escuela De Macanica de la Armada (ESMA) during the military dictatorship in Argentina.

<http://www.telam.com.ar/nota/10382/> For an interview with Santiago Canton, the executive secretary of the Commission, on the release, see

<http://www.transparenciacdh.uchile.cl/noticias/detalle.tpl?id=20111130093913> Thanks to Patricia Tappata de Valdez for the link to the interview and to Michael Camilleri for background information.

International Criminal Tribunal for Rwanda. On appeal, the sentence of Colonel Theonest Bagosora was reduced from life to 35 years in prison. An essay by Thierry Cruvellier in the *International Justice Tribune* denouncing the decision by the Appeals Chamber noted that the trial chamber heard from 242 witnesses, admitted 1600 exhibits, produced 30,000 pages of transcript and received 4500 pages of submissions by the parties. All of those records are just a small part of the records that will be the legacy of the ICTR. <http://sites.rnw.nl/pdf/ijt/IJT142.pdf>

International Criminal Tribunal for Yugoslavia. Bosnian Serb General Ratko Mladic was a diarist, and his diaries are part of the evidence used against him in his trial before the ICTY. Seized from his family's Belgrade apartment, the diaries consist of 18 notebooks totaling 3500 pages. Although they contain notes on "almost all the meetings Mladic attended during the war," *International Justice Tribune* reported, there is a "conspicuous absence of notes on Srebrenica." <http://sites.rnw.nl/pdf/ijt/IJT142.pdf>

"Operation Last Chance II." The Simon Wiesenthal Center announced it is launching a project to develop information on persons who served during World War II in Nazi death camps and the Einsatzgruppen (special mobile killing units) that will lead to their prosecution. The drive to reopen the investigation was triggered by the conviction in May 2011 of Ivan Demjanjuk, who was not linked to a specific crime with a specific victim but instead was convicted based on his work as a camp guard. Given the length of time since the events and the problems of aging memories, any trial prosecution will have to rely heavily on documentation. <http://www.wiesenthal.com/site/apps/nlnet/content2.aspx?c=lsKWLbPJLnF&b=4441467&ct=11556625>

Algeria/France. "Here We Drown Algerians – Oct. 17, 1961," a documentary film by Yasmina Adi about the crackdown on Algerians in Paris in 1961, was shown at the Dubai film festival in December (it premiered in France in October). *Reuters* interviewed Adi, who talked about the importance of archives footage: "I managed to (access) the archives of the police department and state archives . . . Then I asked myself what security bodies were there, and I found they all had their own archives. It was the same for the filmed material . . . sometimes I noticed there were two people taking photos, so I said I have to go find them. So I pieced together each part, when they put the Algerians on buses, when they detained them at the police department, the unseen photos from the Palais du Sport, the expulsions, the women's protest. At a certain point I said to myself "wow'." <http://af.reuters.com/article/libyaNews/idAFL3E7NG4F820111216>

Argentina/United States. A 1982 memo describing a meeting between a senior U.S. State Department official and Argentina's ambassador to the U.S. has been declassified in full and "has become key evidence in the trial of two former Argentine dictators charged with stealing babies from political prisoners," the *Associated Press* reported. The memo, written by the State Department official, says that he raised "the question of children. Children born to prisoners or children taken from their families during the dirty war. While the disappeared were dead, these children were alive and this was in a sense the gravest humanitarian problem." Peter Kornbluh,

an analyst with the National Security Archive, a Washington, D.C., NGO, called the release “a prime example of the power of declassification to advance the cause of human rights in Argentina” and urged the Obama Administration to release “as a humanitarian act of archival diplomacy” all records related to Argentine human rights violations. The memo had previously been declassified with several paragraphs withheld and is posted at http://foia.state.gov/documents/Argentina/searchable_0000AE88.pdf Ironically, the now fully released document contained no additional information on the babies issue. <http://news.yahoo.com/secret-us-memo-now-key-evidence-baby-thefts-192836764.html> Thanks to Peter Kornbluh for the link to the document.

Canada/United States. The U.S. and Canada announced a new border security plan that includes a number of records elements, *nationalpost.com* reported. Among them are “enhanced tracking of travelers in both countries, and both nations will try to identify threatening people who seek” to enter; “an entry-exit system . . . [to] share information on when their citizens have crossed the border;” obtaining “more information, including biometric data, from people in foreign nations seeking to come” to the two countries; sharing “more information about criminals in their countries who might be seeking to cross the border;” and security forces working “more closely to identify ‘radicalized’ people who might become violent.” Critics “have complained of potential intrusions into the privacy rights,” but both governments “pledge to protect privacy and maintain national sovereignty.” The action plan concludes, “Our countries have a long history of sharing information responsibly and respecting our separate constitutional and legal frameworks that protect privacy.” <http://news.nationalpost.com/2011/12/07/whats-in-the-new-canada-u-s-border-security-deal/>

Egypt/Germany/United States. At the end of December, Egyptian security forces raided the offices of 17 non-governmental organizations and took documents and computers. Among the organizations targeted were the U.S. National Democratic Institute, the International Republican Institute, and Freedom House, the German Konrad Adenauer Foundation, the Arab Centre for the Independence of Justice and Legal Professions, and the Budgetary and Human Rights Observatory. <http://www.bbc.co.uk/news/world-middle-east-16357795>

France/Turkey. On December 22, France’s National Assembly passed a bill making it a crime to deny the Turkish Ottoman genocide of Armenians in 1915, citing human rights and the protection of memory. The bill now goes to the Senate for a vote. Prior to the vote, the Foreign Minister of Turkey said, “Turkey is ready to face up to its history and open its archives for research into the incidents of 1915 in the Ottoman Empire,” reported *news.az*, quoting the official Turkish news agency Anadolu. The following day Anadolu quoted the President of Turkey as saying all the archives are now open. <http://news.az/articles/turkey/51196;> <http://www.aa.com.tr/en/component/content/article/111-alt-manset-haberleri-en/107626-turkey-not-to-accept-baseless-accusations>

Germany/United Kingdom/United States. Shortly after the fall of the Berlin Wall, copies of a microfilm of index cards on the employees of the foreign intelligence arm of the secret police of the former East Germany (the Stasi) were acquired by the U.S. Central Intelligence Agency. In the years following that acquisition, copies of the sections of the file relating to agents in countries where the Stasi worked were given to the governments of some of those countries. In

2003 the files relating to Stasi agents in the former West Germany were given to the archives of the Stasi. Now Germany would like to obtain a copy of the Stasi files that were given to the United Kingdom, but the U.K. government is refusing to turn them over. According to *The Guardian*, academics in Germany and the U.K. are accusing the U.K. government of "sheltering communists" by refusing to hand over its holdings of Stasi files revealing the names of British spies who worked for the East German secret intelligence agency during the cold war.

[http://www.guardian.co.uk/world/2011/dec/28/stasi-files-row-britain-germany?newsfeed=true;](http://www.guardian.co.uk/world/2011/dec/28/stasi-files-row-britain-germany?newsfeed=true)
for the press release on the 2003 handover of copies from the U.S., see
http://www.bstu.bund.de/DE/Presse/Pressemitteilungen/Pressemitteilungen-2003/premi_27_jun_03.html?nn=1751738

Guatemala/United States. The police archives of Guatemala announced an agreement with the University of Texas, which is making available online approximately 12 million scanned images from the police archives, dating mainly from the last quarter of the twentieth century. The images are the result of a massive effort to arrange and describe the police records. However, the records are made available without review for privacy information, thereby disregarding the privacy rights of persons whose names appear in the files, such as victims, witnesses, persons submitting complaints, and individuals encountering the police for reasons as mundane as reporting a stolen car. In a country as violent as Guatemala is today, the human rights concern must be that the blanket release of such recent documents could lead to actions of retribution.
http://www.utexas.edu/news/2011/11/22/politics_of_memory/

Iraq/United States. Documents from the U.S. military's investigation of the killing of 24 Iraqis by U.S. Marines at the town of Haditha in 2005 were found by a reporter from *The New York Times* at a "junkyard outside Baghdad" where a man "was burning them as fuel to cook a dinner of smoked carp." The documents included pages of interrogations, military maps, and documents marked "secret." http://www.nytimes.com/2011/12/15/world/middleeast/united-states-marines-haditha-interviews-found-in-iraq-junkyard.html?_r=1&pagewanted=all

United Kingdom/Northern Ireland/United States. In the continuing case in which the United Kingdom requested access to the "recordings, written documents, written notes and computer records" of the Boston College oral history interview with Dolours Price, an IRA participant in the "troubles" in Northern Ireland, the judge ruled, first requiring that the materials be given to him for his review, then following that review ordering that the materials be handed over to the U.S. government for delivery to the U.K. The men who conducted the interview then appealed to a higher court and received a temporary postponement of the order.
<http://chronicle.com/article/Boston-College-Must-Release/130119/>; the lower court decision is at
http://www.nacua.org/documents/InReUK_v_BostonCollege.pdf;
<http://www.bbc.co.uk/news/uk-northern-ireland-16365152>;
<http://www.irishtimes.com/newspaper/ireland/2011/12/31/1224309679354.html>

National news.

Argentina. Reynaldo Bignone, the general who was President of Argentina from 1982-1983 during the military dictatorship, was convicted of crimes against humanity and sentenced to 15 years in prison "for setting up a secret torture center inside a hospital during the 1976 military

coup,” the *huffingtonpost* reported. While president he ordered “the destruction of vast stores of evidence documenting illegal detentions and disappearances.” Bignone is also being tried with former dictator Jorge Videla on charges of overseeing the stealing of babies of pregnant detainees (see item above Argentina/United States).

http://www.huffingtonpost.com/2011/12/29/reynaldo-bignone-argentina-hospital-torture_n_1174753.html

Australia. The chairman of Australia’s Economic Regulation Authority said he is concerned that “inaccuracies in Western Power’s pole management system could put lives at risk,” the Australian Broadcasting Corporation reported. An audit suggested information from approximately 75,000 pole inspections had not been entered into Western Power’s asset management system, which meant the power company could not determine which poles needed “to be replaced urgently.” Western Power “as conceded the utility’s record keeping in some areas needed further improvement.” <http://www.abc.net.au/news/2011-12-10/power-pole-report/3723954?section=wa>

Canada. Canada’s plan to destroy the federal long-gun registry (see October 2011 *HRWG News*) continues to generate controversy. An opinion piece in the *National Post* sharply criticized the position taken by the Bureau of Canadian Archivists in opposition to the proposed destruction. The writer argued, “In democracies, citizens are the sovereigns, not governments or government archivists. The right of a government to preserve a record should never, therefore, supersede the right of its citizens to their privacy.”

<http://www.nationalpost.com/opinion/Scrap+registry+then+records/5931274/story.html>

The Supreme Court of Canada declined to hear an appeal of a lower court ruling that allowed the Leon’s stores to collect driver’s license numbers from people picking up items. The privacy commissioner for the Province of Alberta, where the case arose, argued that the lower court’s “decision means that businesses can circumvent the intention of the legislation and can decide, entirely on their own, what personal information they can collect.”

<http://ca.news.yahoo.com/supreme-court-wont-hear-furniture-store-privacy-case-202144769.html>

The *National Post* reported that “Canada’s privacy commissioner says she has found ‘disturbing gaps’ in the way the RCMP [Royal Canadian Mounted Police] manages sensitive information in some of its databases, including records related to pardoned offences.” The commissioner’s staff pointed to two databases, one the Police Reporting and Occurrence System that “contains records of individuals who have had run-ins with the police—including suspects, victims, witnesses and offenders” and the other the Canadian Police Information Centre that “contains information on license plates, stolen vehicles, warrants for arrest, missing people, criminal histories, fingerprints and firearms registration.” Both are covered by the Privacy Act.

<http://news.nationalpost.com/2011/11/17/rcmp-databases-have-disturbing-gaps-in-managing-personal-information-records-watchdog/>

Colombia. Despite substantial documentary evidence linking Ivan Ramirez Quintero to “paramilitary death squads responsible for dozens of massacres,” he was acquitted on December 16 of the torture and disappearance of Irma Franco, who was detained by the army during the

November 1985 Palace of Justice seizure by insurgents and subsequent storming by the military. Declassified U.S. documents on Ramirez Quintero are found on the National Security Archive website: <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB368/index.htm>

Cuba. The Provincial Historical Archive of Camaguey is preserving notary public records from the colonial period from 1700 to 1898, *cadenagramonte.cu* reported. The records “certify, in thousands of folios, deeds on different matters including the buying-selling of property and testaments” [wills].
http://www.cadenagramonte.cu/english/index.php?option=com_content&view=article&id=8648:cuban-archive-works-on-preservation-of-colonial-notary-records&catid=1:camaguey&Itemid=14

Egypt. Thousands of rare manuscripts, books, journals and writings were burned when the Egyptian Scientific Institute was set on fire during a Cairo protest on December 17. The Governor of the Emirate of Sharjah is financing the rebuilding of the library.
http://www.artdaily.org/index.asp?int_sec=2&int_new=52575;
http://en.cybrarians.info/index.php?option=com_content&view=article&id=336:esi-burn&catid=76:news&Itemid=118

India. *The Times of India* announced that the Centre for Community Knowledge at Ambedkar University Delhi is undertaking a “Citizen’s Memory Project” to document everyday life in Delhi. The Project plans to build a digital archives to include oral interviews “as well as visual material: pictures, photographs, music and various other facets of the popular culture of the city.” The Project offers to digitize family photos and letters if the owners permit the digital copies to become part of the public website.
<http://timesofindia.indiatimes.com/city/delhi/Researchers-to-preserve-citys-oral-history/articleshow/11066367.cms>

Indonesia. A dozen men from the Mesuji district presented two video clips to the Indonesian Parliament’s human rights commission which show beheadings of two men, allegedly by security forces hired to protect the borders of a palm oil plantation. The head of the National Commission on Human Rights condemned the killings but called the details of the incident “very murky,” according to *CBS News*. Deadly clashes have occurred in Indonesia, at least in part because land for concessions to grow palm trees and timber “is often forcibly seized . . . without any offers of compensation.” The Commission head said that “thousands of people” have been driven from their homes by the concessions, and he said that farmers “appeared to have killed at least five plantation workers and security guards in retaliation for the beheadings.” A task force from the Ministry of Security and the national police is investigating.
http://www.cbsnews.com/8301-202_162-57344165/indonesia-to-probe-beheadings-of-farmers/

Korea. As the world watches the transition of power in North Korea, the *New York Times* ran a feature story on abductions of South Koreans by North Koreans during the 1950-1953 Korean War. In 2002 the Korean War Abductees’ Family Union located “a 1952 government document listing 83,000 South Koreans as kidnapped, a preliminary wartime compilation that officials had previously denied existed. It was gathering dust, uncatalogued, in a government library.” The Union wants information from the North Koreans on the fate of the abductees, the return of any

still alive and the remains of those that are not.

http://www.nytimes.com/2011/12/04/world/asia/abductees-daughter-speaks-of-korean-war-kidnappings.html?_r=1&pagewanted=all

Mexico. Mexico issued the final Federal regulations implementing the Federal Law for the Protection of Personal Data Held by Private Parties. The text is at:

http://dof.gob.mx/nota_detalle.php?codigo=5226005&fecha=21/12/2011

Poland. Concluding a six-year investigation, the National Institute of Remembrance announced that Poland's secret police forged documents to "prove" that Lech Walesa was a "collaborator" and sent them to the Nobel Peace Prize Committee in an effort to stop Walesa from getting the Prize in 1983. <http://www.telegraph.co.uk/news/worldnews/europe/poland/8972863/Polish-secret-police-conspired-to-prevent-Lech-Walesa-winning-Nobel-Prize.html>

Russia. In 2009, historian Mikhail Suprun and archivist Alexander Dudarev were arrested for "exposing 'the personal or family secrets' of victims of Soviet repression with their consent," primarily the basic biographical details of ethnic Germans deported to the Arkhangelsk Region in the 1930s-1940s. Dudarev, a police colonel, headed the Interior Ministry archives of the Arkhangelsk region and is charged with exceeding his authority when he gave the relevant archives to the researcher, reports *openDemocracy.net*. The trial began in September 2011 in closed session and is reported to have adjourned in early December but the verdict has not been publicly announced. Suprun's lawyer said he would take the case to the European Court: "This will be the case for freedom of access to the archives." <http://www.opendemocracy.net/od-russia/catriona-bass/russia%E2%80%99s-history-wars-access-to-truth-restricted-%E2%80%93-again>

Taiwan. The Taiwan Association for Truth and Reconciliation (TATR) urged the National Archives "to declassify confidential files relating to political cases during the White Terror period from 1949 to 1987, so that the public might learn what really happened during that time," the *Taipei Times* reported.

<http://www.taipeitimes.com/News/taiwan/archives/2011/12/10/2003520406>

Togo. La Commission Vérité, Justice et Réconciliation du Togo lance un avis de recrutement pour un(e) expert international en gestion des archives et des bases de données. Pour les informations concernant la mission et les termes de référence, consultez le site web

www.cvjr.org. Thanks to Perrine Canavaggio for this information.

Ukraine. Criminal proceedings against former Ukrainian president Leonid Kuchma for his alleged role in the murder of a journalist in 2000 were dismissed. *Transitions Online* reported, "The court threw out the case after deciding that key audio recordings were inadmissible as evidence because they had been obtained illegally." The tapes were secretly made by Kuchma's bodyguard, and Kuchma is heard telling people to "deal with" the journalist, to "Drive him out! Throw him out! Give him to the Chechens!" Kuchma argued that the tapes were "doctored."

http://www.tol.org/client/article/22895-croatia-romania-russia-poland-roma.html?utm_source=TOL+mailing+list&utm_campaign=000d86e086-TOL_newsletter-12_16_2011&utm_medium=email

United Kingdom. Film footage from the charity Sightsavers has been restored and transferred to digital format and is now available to the public. The organization works in over 30 developing countries treating and curing preventable blindness. The films show “how the charity has transformed the lives of thousands of blind and disabled people over the last four decades,” said the *Mid Sussex Times*.

http://www.midsussextimes.co.uk/news/sightsavers_rare_film_footage_is_restored_1_3340908

Wales. *BBC News* reported on the controversial donation to the National Library of Wales of the personal papers of Louis Feutren, a Breton who fought with the Nazis and is now deceased. The papers are said to shed “light on the life of a Breton who was a member of the region’s nationalist group ‘Gwenn-ha-Du’ (white and black), and the Bezen Perrot movements during the war.” Calling the material “of significant historical importance,” the Library’s president said, “Though I utterly condemn his political leanings and activities during the war, we had no right, as board members, to allow our feelings to interfere with our decision.” The donation comes with a gift of 300,000 pounds sterling, which the Library says will be “allocated in part towards projects associated with ‘the destructive effects of war and fascism.’”

<http://www.bbc.co.uk/news/uk-wales-mid-wales-15990524>

United States. As U.S. military units departed from Iraq, the *New York Times* published a photograph of two soldiers, one poking into a barrel, and papers scattered on the ground, captioned, “Documents were burned at the Victory Base Complex near Baghdad.”

<http://query.nytimes.com/gst/fullpage.html?res=9B02E3DA1F3BF935A25751C1A9679D8B63>

The *New York Times* also reported that the government’s program to detect illegal immigrants has resulted in the arrest of American citizens because federal immigration agents acted “on flawed information from Department of Homeland Security databases.”

<http://www.nytimes.com/2011/12/14/us/measures-to-capture-illegal-aliens-nab-citizens.html?n=Top/Reference/Times%20Topics/People/P/Preston,%20Julia?ref=juliapreston>

In a twist of a lawsuit against a Roman Catholic priest accused of abusing a boy, the judge in the case ordered the Survivors Network of Those Abused by Priests, a national non-governmental organization, to turn over its records to the defense attorneys. The ruling is being appealed.

http://www.stltoday.com/news/state-and-regional/missouri/victims-group-must-reveal-records-in-priest-case/article_4967eb2c-bb88-5ea4-a18e-a4847ad2ff38.html

The U. S. Department of Justice filed a proposed order to end a multi-year lawsuit against three tobacco companies accused of working together to deceive the public about the health risks of smoking. One of the remedies specified is that the companies will make certain internal documents public by indexing them, depositing them in the University of California San Francisco Legacy Tobacco Documents Library, and providing \$6.25 million to improve free public access to the documents via the internet.

<http://www.ucsf.edu/news/2011/12/11138/ucsf-receive-tobacco-papers-funding-improve-public-access-documents>

<http://www.justice.gov/opa/pr/2011/December/11-civ-1635.html>

California. Pacific Gas and Electric Co. declared two high-pressure gas transmission pipes safe last year despite paper-trail gaps that left the utility ignorant of whether portions of the lines were running above legally allowed pressure levels and therefore a safety hazard, according to an investigation by the *San Francisco Chronicle*. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2011/12/10/MNQH1LU8P6.DTL#ixzz1gGiW5PuV>. The *Chronicle* also reported that a 60-year old state law closes to the public the “vast majority of documents” at the California Public Utilities Commission unless the Commission specifically votes to permit access. This bars citizens from important records, such as those of safety audits, pipeline accidents, electrocutions, and utility-related fires. <http://www.power-eng.com/news/2011/11/1550384935/law-puts-pipeline-records-off-limits.html>

Also in California, *ABC7* news reported that the office that regulates California school construction routinely destroyed key documents that might have shed light on its lax enforcement of earthquake safety standards despite a binding agreement it has with the State Archives to preserve public records. <http://abclocal.go.com/kgo/story?section=news/state&id=8478125>

Tribal governments have the sole authority to determine tribal membership except in rare cases. In California, “thousands” of tribe members “have been kicked out of their tribes in recent years for the crime of not being of the proper bloodline,” said the *New York Times* in a report on the Chukchansi tribe. Membership in a tribe (called an “enrollment”) is required to receive tribal benefits, including shares of revenues from tribal businesses. <http://www.nytimes.com/2011/12/13/us/california-indian-tribes-eject-thousands-of-members.html?pagewanted=all>

The prescription files of nearly 3000 people are missing from a pharmacy in Vallejo, California. http://www.timesheraldonline.com/news/ci_19495439

Indiana. In 2008, the state legislature passed a law for animals similar to the federal law that protects the privacy of people's medical records, which means that people who want to know if a neighbor is keeping a dangerous animal as a pet cannot get that information from the state veterinarian, *The Star Press* reported. This is a current concern because in October a man in the neighboring state of Ohio, who owned dozens of exotic animals, released them before committing suicide, forcing the local sheriff's department to shoot lions, tigers, bears and other animals to keep them from invading the areas around the farm. <http://www.thestarpress.com/article/20111211/NEWS01/112110329>

Texas. For more than a decade, Dallas County has had a program in which convicted criminals who are on parole or probation had been working off their “community service hours” requirement by sorting and shredding sensitive documents from the county government, including psychiatric exams of juveniles, copies of Social Security cards, birth certificates, court records, drug tests, and even medical records. A county judge has now stopped the program, following publicity about it by local television *News 8*. <http://www.wfaa.com/news/national/After-a-decade-Dallas-convicts-no-longer-shred-confidential-data-135354223.html>

Zimbabwe. Questions about the profits from state-owned diamond mines in the Marange fields of eastern Zimbabwe continue to be raised. The *New York Times* reported that a “diamond production expert” provided the records of just one of the mining companies for November 2010, and they showed that company “produced more than three times the amount claimed by the mining ministry for all of Marange.” The army seized the Marange fields in 2008 using what human rights groups say was “horrific violence against civilians.”
<http://www.nytimes.com/2011/12/17/world/africa/experts-say-diamonds-help-fill-mugabe-coffers.html?pagewanted=all>

Publication, conferences.

A newly-released Brookings Institution (U.S.) study “Recording Everything: Digital Storage as the Enabler of Authoritarian Governments,” argues, “Declining storage costs will soon make it practical for authoritarian governments to create permanent digital archives of the data gathered from pervasive surveillance systems.” Written by a professor of electrical engineering and based on the trends in costs for computer storage, it concludes that digital archives in the hands of authoritarian governments, with associated sophisticated electronic tools for searching and analyzing the stored data, “will fundamentally change the dynamics of dissent, insurgency and revolution.” http://www.brookings.edu/papers/2011/1214_digital_storage_villasenor.aspx

In cooperation with Johns Hopkins University Paul H. Nitze School of Advanced International Studies (SAIS), the International Peace and Security Institute’s 2012 Bologna, Italy, Symposium on Conflict Prevention, Resolution, & Reconciliation will be held June 16 - July 14, 2012. For information, see <http://www.h-net.org/announce/show.cgi?ID=190132>

In partnership with the Clingendael Institute of International Relations, the International Peace and Security Institute’s Hague Symposium on Post-Conflict Transitions & International Justice will be held July 21- August 18, 2012. For information, contact: info@ipsinstitute.org or see <http://www.h-net.org/announce/show.cgi?ID=190136>

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