

HRWG ica

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

Le 8 mars est la Journée internationale de la femme, le 21 mars est la Journée internationale pour l'élimination de la discrimination raciale et la Journée mondiale du syndrome de Down, le 22 mars est la Journée mondiale de l'eau, le 24 mars est la Journée mondiale de la tuberculose et de la Journée internationale pour le droit à la vérité concernant violations flagrantes des droits humains et de la dignité des victimes, le 25 mars est la Journée internationale de commémoration des victimes de l'esclavage et de la traite transatlantique des esclaves et de la Journée internationale de solidarité avec les fonctionnaires détenus et membres du personnel manquant.

Nouvelles de février 2012

Compilé par Trudy Huskamp Peterson, Présidente, HRWG

Ce qui suit est le numéro vingt-sept 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 25.

- 1. Toute personne a droit à un niveau de vie suffisant pour assurer sa santé, son bien-être et ceux de sa famille, notamment pour l'alimentation, l'habillement, le logement, les soins médicaux ainsi que pour les services sociaux nécessaires ; elle a droit à la sécurité en cas de chômage, de maladie, d'invalidité, de veuvage, de vieillesse ou dans les autres cas de perte de ses moyens de subsistance par suite de circonstances indépendantes de sa volonté.*
- 2. La maternité et l'enfance ont droit à une aide et à une assistance spéciales. Tous les enfants, qu'ils soient nés dans le mariage ou hors mariage, jouissent de la même protection sociale.*

Au moment où les délégués envisagent le deuxième alinéa de l'Article 25, ils avaient déjà débattu sur la première phrase de l'Article 1 qui se lit, dans sa forme finale, "Tous les êtres humains naissent libres et égaux en dignité et en droits", et l'Article 2, qui interdit la discrimination fondée, entre autres, sur la "naissance". Pourquoi ont-ils besoin de dire que les enfants «nés dans le mariage ou hors mariage» sont égaux? Et si "toute personne" a droit aux «services sociaux nécessaires» au paragraphe 1 de l'Article 25, pourquoi les rédacteurs ont-ils eu besoin d'expliquer que les mères et les enfants ont besoin d'une "aide et une assistance spéciales" : n'était-ce pas déjà couvert par «nécessaire» ?

Une partie de la réponse à la question d'une "assistance spéciale" est liée à la récente adoption de 1948 de la Déclaration américaine des droits et devoirs de l'homme, qui a déclaré dans son article 7, "Toutes les femmes, pendant la grossesse et la période d'allaitement, et tous les enfants ont droit à de la protection, des soins et de l'aide". Une partie de la réponse vient aussi des constitutions des différents Etats qui mentionnent explicitement la protection des femmes et des enfants, dont la France (le délégué a écrit la première version de la phrase sur "l'assistance spéciale"), le Brésil, la Belgique, Cuba, le Nicaragua, le Panama et l'URSS. En outre, le président du nouveau Fonds des Nations Unies pour l'enfance a attiré l'attention sur les besoins des enfants et le "niveau anormalement élevé" de la mortalité infantile dans les douze pays européens où l'UNICEF travaillait. Tout cela a encouragé les délégués à inclure un paragraphe distinct. La déléguée du Danemark, qui a également représenté la Commission des Nations Unies sur la condition de la femme (créée en 1946) dans le groupe de rédaction de la DUDH, a inséré le mot « maternité » au lieu de « mères » pour s'assurer que la phrase, selon ses propres termes, « couvre l'état prénatal ».

La deuxième phrase concernant les enfants nés hors mariage semble avoir été ajoutée à l'initiative des délégations yougoslave et norvégienne, mais elle reflète des problèmes urgents d'après-guerre. Un article sur l'étude de la jurisprudence récente des droits successoraux des enfants nés hors mariage note que, pendant la Seconde Guerre mondiale "un grand nombre de militaires ont engendré des enfants lorsqu'ils étaient en poste en Europe et sont rentrés chez eux ignorant la grossesse ou l'accouchement qui y est associé", conduisant à ce que "l'illégitimité soit d'un intérêt commun dans les nations européennes".

(http://www.jerseylaw.je/Publications/jerseylawreview/june10/JLR1006_Cooper.aspx) En outre, les rédacteurs doivent avoir vu les tristes images d'enfants orphelins dans les camps de personnes déplacées dans toute l'Europe, parfois si jeunes ou tellement traumatisés qu'ils n'étaient pas en mesure de dire qui ils étaient. Compte tenu de ces préoccupations urgentes contemporaines, lorsque l'Assemblée générale des Nations Unies a finalement voté la Déclaration, l'Article 25 a été adopté à l'unanimité. (Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, pp.257-258).

De nombreuses déclarations et accords internationaux ultérieurs ont amplifié les dispositions du deuxième alinéa de l'Article 25. En 1959, l'Assemblée générale des Nations Unies a adopté la Déclaration des droits de l'enfant, qui a été suivie 30 ans plus tard par la Convention internationale sur les droits de l'enfant. La Convention de 1979 sur l'élimination de toutes les formes de discrimination à l'égard des femmes a déterminé (article 4) que la protection spéciale de la maternité n'est pas une discrimination de genre et qu'il y a un besoin de soins de santé spéciaux pour la mère et l'enfant (article 12), ce qui à son tour a été élaboré en 1999 dans "la Recommandation générale 24 - Femmes et santé", publié par le haut-Commissariat des Nations Unies pour les droits de l'homme.

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/77bae3190a903f8d80256785005599ff?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/77bae3190a903f8d80256785005599ff?Opendocument). Les droits des enfants nés hors mariage ont fait l'objet d'une déclaration en 1967 par la Sous-Commission des Nations Unies sur la prévention de la discrimination et protection des minorités, qui a souligné l'importance de l'égalité de traitement pour les enfants nés dans ou hors mariage. Elle a été suivie par la Convention européenne de 1975 sur le statut juridique des enfants nés hors mariage, qui est actuellement en vigueur dans 21 pays européens.

<http://conventions.coe.int/treaty/en/Treaties/Html/085.htm>

Et les Objectifs de développement du millénaire des Nations Unies, adoptés en 2000 et à atteindre d'ici 2015 ont, pour l'Objectif 4, de réduire de deux tiers le taux de mortalité des enfants de moins de 5 ans, et pour l'Objectif 5, de réduire le taux de mortalité maternelle de trois quarts et de réaliser l'accès universel aux services de santé reproductive.

Les archives des installations médicales, des services sociaux, des tribunaux et des assemblées législatives sont essentielles pour protéger et faire valoir les droits en vertu du paragraphe 2 de l'Article 25. Voici deux exemples: (1) En mai 2011, un groupe de travail dans l'État américain de Caroline du Nord, qui envisage des réparations pour les victimes du programme de stérilisation étatique, qui a fonctionné entre 1933 et le milieu des années 1970, a examiné des exemplaires des « dossiers et procès-verbaux originaux des cas traités lors des anciennes réunions du Conseil d'eugénisme qui sont conservés dans les archives d'Etat ».

<http://www.jdnews.com/news/finding-91459-raleigh-sterilization.html>

(2) En février 2012, le Conseil des droits de l'homme du gouvernement tchèque a recommandé d'accorder une compensation aux femmes qui ont été "stérilisées incorrectement" entre 1971 et 1991, ont rapporté les médias tchèques, sans doute préfigurant une recherche majeure dans les archives afin de déterminer le nombre de femmes admissibles à une indemnisation. Il est clair que les archivistes ont le devoir primordial de protéger les documents liés au bien-être social des mères et des enfants. En 2010, l'Organisation internationale de normalisation (ISO) a publié un ensemble de lignes directrices et un document de spécification technique sur « Informatique et santé - Exigences de sécurité pour l'archivage électronique des dossiers de santé (*Health informatics – Security requirements for archiving of electronic health records*) », qui sont une lecture fondamentale pour tous ceux qui gèrent des archives sur la santé. Comme l'ancien esclave et grand éducateur Frederick Douglas l'a déclaré au 19ème siècle : « Il est plus facile de construire des enfants forts que de réparer des hommes cassés ». Les archivistes ont un rôle à jouer tant dans la construction que dans la réparation.

Les nouvelles sont en anglais

International news.

International Court of Justice. The International Court of Justice ruled that Germany has immunity from claims brought in foreign courts by victims of the Nazi regime. *Jurist* noted that this ruling is “effectively ending thousands of reparations claims,” all of which relied on significant archival resources as evidence. <http://jurist.law.pitt.edu/paperchase/2012/02/icj-rules-germany-immune-from-nazi-victim-claims.php>; for the ruling itself see <http://www.icj-cij.org/docket/files/143/16883.pdf>

United Nations. The United Nations Archives holds the records of the United Nations War Crimes Commission, which was established in 1943 by 17 allied nations to investigate alleged war crimes, identify alleged perpetrators, and report their findings to the allies. Currently a researcher gains access to the records (400 boxes of original paper documents, which have been microfilmed onto 184 reels) only by applying to his government which in turn endorses the application and sends it to the United Nations. Now a group of researchers have asked U.N.

Secretary-General Ban Ki-Moon to “take the necessary steps to ensure full public access to all the records,” the *Associated Press* reported.

http://www.google.com/hostednews/ap/article/ALeqM5gqdRxqI9AcL0okH5N-w87fff_VSw?docId=10bb01e558cd4f6898935eac0035620e

Europe. In a draft regulation dated November 2011 but made public in late January 2012, the European Commission proposes to create a “right to be forgotten.” The implications for access to archives do not appear to have been thoroughly explored, although Article 15 provides an option to retain personal data “for historical, statistical and scientific research purposes in accordance with Article 83.” For the draft see <http://epic.org/privacy/intl/EU-Privacy-Regulation-29-11-2011.pdf>; among many press reports on the proposed data protection regulation and its complicated relationship to the ways in which Internet companies handle personal data, see the *New York Times*’ “Should Personal Data be Personal?” and the *Stanford Law Review*’s “The Right to Be Forgotten.”

http://www.nytimes.com/2012/02/05/sunday-review/europe-moves-to-protect-online-privacy.html?_r=1; <http://www.stanfordlawreview.org/online/privacy-paradox/right-to-be-forgotten>.

Argentina/Germany/Israel. To mark the 50th anniversary of the trial and execution of Adolf Eichmann, one of the key Nazi organizers of the Holocaust during World War II, Israel’s secret service, Mossad, exhibited its documents on its capture of Eichmann in Argentina, including “hand written notes used during the operation,” reported *CBS*.

<http://www.todaysthv.com/news/article/194855/288/Israel-secret-service-opens-archives-on-Adolf-Eichmanns-capture>

France/Israel/United States. *JTA* news service announced that SNCF, the French national railroad, has given digital copies of its World War II–era records to Yad Vashem in Jerusalem, the U.S. Holocaust Memorial Museum in Washington and the Shoah Memorial in Paris. However, the Maryland State Archivist told the *Jewish Times* that simply making the images available may not be “sufficient to comply with the law” requiring the SNCF to open its records in order to be eligible to bid on a Maryland state railroad contract.

<http://www.jta.org/news/article/2012/02/05/3091526/french-railroad-hands-over-wwii-era-archives>;

http://www.jewishtimes.com/index.php/jewishtimes/news/jt/local_news/state_archivist_snfc_archives_might_not_be_enough/29884

Germany/Israel/United Kingdom. At the urging of members of Parliament and various non-governmental organizations, the Ministry of Defense of the United Kingdom agreed to locate and release records about the military service of Yitzhak Persky, the father of Israeli president Shimon Peres. Persky, who lived in Palestine when it was a British Mandate, joined the Royal Engineers at the start of World War II, was captured in Greece, and was held captive as a British prisoner of war at Auschwitz. <http://www.thejc.com/news/uk-news/63333/uk-will-look-out-auschwitz-%EF%AC%81les>; <http://www.thejc.com/news/uk-news/62970/mp-pushing-release-auschwitz-files>

Germany/Poland. A memoir that “lay unread in a sealed envelope for 70 years” and then was donated to Krakow’s Jagiellonian University by the memoirist’s granddaughter provides the “longest and most complete first-hand account of a Nazi purge of academics in Krakow” in November 1939 and “profiles of fellow inmates,” according to the *Krakow Post* and *Transitions Online*. <http://www.krakowpost.com/article/2663>

National news.

Australia. The ombudsman for the State of Victoria presented his findings to the Legislative Council and Legislative Assembly on “the storage and management of ward records by the Department of Human Services.” The report sharply criticized the records practices of the Department and noted the great importance of the records, writing, “The consequences of records being scarce or unavailable may often be severe, resulting in the inability to access important information (such as genetic health conditions and family background), and greatly reduced opportunity to seek redress for the harm and abuses of the past.” For the report, see http://www.ombudsman.vic.gov.au/resources/documents/REPORT_Investigation_into_the_storage_and_management_of_ward_records_by_DHS_-_Mar_2012.pdf; for sample press reports, see <http://www.abc.net.au/pm/content/2012/s3443671.htm> and <http://idm.net.au/article/008895-report-blasts-victorian-record-keeping-quagmire>

Bosnia. Census records are key government documents, and census information is often used to apportion social goods and services. Bosnia’s House of Peoples, one of the two chambers of the federal parliament, adopted a census law on 1 February, *Balkan Insight* reported, but it must be harmonized with the bill passed by the other chamber of the legislature. The last census was in 1991; the new census is expected to show not only the number of people but also the relative proportions of Bosniaks (Muslims), Serbs and Croats, an important finding because the country has been divided into two entities, one dominated by Bosniaks and Croats and the other by Serbs. <http://www.balkaninsight.com/en/article/bosnia-ready-to-conduct-2013-census>

Canada. The Truth and Reconciliation Commission, which is investigating Canada’s church-run residential schools for Native children, issued an interim report charging that it still does not have full cooperation and access to records in the federal government archives and the relevant church archives. It noted, “It is unlikely that the document-collection process will be completed without a significant shift in attitude on the part of Canada and those parties who have been reluctant to cooperate.” For the interim report of the Commission, see http://www.attendancemarketing.com/~attmk/TRC_jd/Interim%20report%20English%20electronic%20copy.pdf. For a sample of the press coverage, see http://www.theglobeandmail.com/news/politics/ottawa-churches-withholding-documents-residential-schools-commission-says/article2349807/?utm_medium=Feeds:RSS/Atom&utm_source=Home&utm_content=2349807

A researcher discovered in the personal papers of a French diplomat who was the governor of Santo Domingo (today Haiti) in the 18th century a list of names of Acadians who were living on Canada’s Prince Edward Island in 1763. A copy of the list has now been sent to the University

of Moncton, whose archivist believes it is a list of Acadians held prisoner by the British at Fort Amherst. The list is unusual because it gives the names of both husbands and wives and the number of children they had. <http://www.cbc.ca/news/canada/new-brunswick/story/2012/01/31/nb-acadian-list-pei.html>

China. Hong Kong. The China Rights Forum published an article, “The Power of Archives in Human Rights Advocacy,” by Simon Chu, the former archivist of Hong Kong. In it he argues, “Without archives, much of human rights work cannot happen,” and urges Hong Kong to adopt an archives law. <http://www.hrichina.org/crf/article/5820>

Czech Republic. The Czech government’s human rights council proposed paying compensation to women who were involuntarily sterilized in the 1970s and 1980s, reported *Transitions Online*, quoting several Czech news sources. Identifying the women will require a concerted search of relevant archives. http://www.tol.org/client/article/23009-abkhaz-leader-survives-ambush-poland-makes-u-turn-on-acta.html?utm_source=TOL+mailing+list&utm_campaign=9126ad3361-TOL_newsletter2_24_2012&utm_medium=email

El Salvador. On the twentieth anniversary of the signing of the peace accord ending the civil war in El Salvador, the International Center for Transitional Justice published an interview with Carlos Dada, the editor of the digital newspaper *El Faro*. Dada and his newspaper continue to investigate events during the war; asked about the main difficulties encountered by the investigations, he said the first is the unpopularity of talking about the war, and, “Second, there is lack of documentation. In El Salvador the records are all either destroyed or hidden, so in many cases we’re obliged to resort to examining declassified documents, particularly in the United States, and in some cases in Europe.” For the interview transcript (English) and a podcast in Spanish, see http://ictj.org/news/el-salvador-journalists-do-not-give-past?utm_source=International+Center+for+Transitional+Justice+Newsletter&utm_campaign=463e8c6a02-ICTJ_In_Focus_Issue_15_Feb_2012&utm_medium=email

Guatemala. As the trials of former president Efraín Ríos Montt and former police chief Hector Bol de la Cruz get underway, *Reuters* published a feature article on the Guatemala police archives, emphasizing the importance of the archives in providing evidence. <http://www.reuters.com/article/2012/02/08/us-guatemala-archives-idUSTRE8172D220120208>

India. The *Deccan Chronicle* reported that there is “rampant circulation of fake land records, particularly pattadar passbooks (PPBs) and title deeds (TDs) in several parts of north Andhra Pradesh, particularly in Srikakulam and Vizianagaram districts.” <http://www.deccanchronicle.com/channels/cities/regions/visakhapatnam/fake-land-records-found-na-086>

Iran. Iran's National Archives announced that the papers of Ali Ghousehchi, an Iran-Iraq war commander, are ready for research. The family of Ali Ghousehchi donated the materials, which include 322 photos of Ghousehchi and his comrades at the war front, plus “his will, notes, daily programs, personal notes, memory book, newspaper pieces and testimonials.” <http://www.ibna.ir/vdceev8zfjh8wxi.1kbj.html>

Iraq. In an article posted on *jadaliyya.com*, Sinan Antoon calls for the return of Iraqi documents taken during the war and now held in the United States, both those in the custody of the U.S. government and those in the Hoover Institution.

http://www.jadaliyya.com/pages/index/4439/plundering-the-past_scholarly-treasures

Scheherazade Hassan, in an article published in *Cahiers d'Ethnomusicologie* 24: 189-202, 2011, reported on the fire that destroyed the Centre for Traditional Music and its archives. During the invasion, she writes, staff members of the Centre and the Ministry of Culture and Information “rushed to the Centre to put tapes and musical instruments in the available cotton bags and containers and to drop them at the House of Maqam (Bayt al-Maqam) . . . the evacuation of the Centre’s archive could not continue under the force of the strikes, which caused fires and finally the collapse of the ceiling at the Centre, which fell and crushed all remaining contents. That was how the bulk of the archive, including all manuscripts and books, administrative records, photo archive, and the valuable collection of Nadhum al Ghazali all perished.”

<https://lists.uchicago.edu/web/arc/iraqcrisis/2012-02/msg00004.html>

Ivory Coast. The state prosecutor is investigating the violence during the post-election crisis in the spring of 2011. He has “set up a special inquiry cell to collect statements around the country and so far some 4,000 witnesses have given testimony to police officers,” reported the *International Justice Tribune*. Two of the cases being investigated involve kidnapping, torture and assassination. The International Criminal Court is also investigating, and preserving the evidence in both national and international custody will be crucial to the cases.

<http://www.rnw.nl/international-justice/article/ouattara%E2%80%99s-rampant-justice>

Kenya. The Court of Appeal ruled that a man convicted of “robbery with violence” and sentenced to life in prison should be released because the court lost all the records of the case, making it impossible for the Court of Appeal to rule on the appeal. The state’s attorney argued that “the court files were not lost, but were hidden somewhere” and that “given time the Judiciary staff would be able to trace the appellant’s files.” The Court, however, noted that neither the Judiciary Staff, nor the Attorney General’s office nor the Police Department could find the records of the case and concluded “that it was too much of a coincidence that all documents from every place which had them could disappear without a trace.” The Court then ruled that the man could be freed, but if the lost records are found, he is required to return for the hearing of his appeal. <http://www.the-star.co.ke/national/law-reports/62532-missing-records-lead-to-appellants-acquittal>

Lithuania. The Lithuanian government released the names of 238 citizens who were reservists for the KGB when Lithuania was a constituent state of the Soviet Union. The Associated Press reported that the Genocide and Resistance Research Center’s director said that “thousands of KGB files would be released in the near future.” In 1999 Lithuania passed a law giving all ex-KGB agents and informers six months to file confessions with a lustration commission in exchange for keeping their names confidential; in January 2012 the head of the commission gave an interview to *Ukrainian Week* in which he explained, “If the commission obtains information from archives that any certain person was in the KGB but failed to admit it, he will be banned from working in government agencies or education institutions.” The commission has had relatively few cases, he said: “One of the reasons for this is that the bigger part of documents

(about 5,000 cases of possible agents) were taken out of the country.”

http://www.washingtonpost.com/world/europe/lithuanian-archive-releases-names-of-kgb-collaborators-in-transparency-drive/2012/02/22/gIQA3d8UTR_story.html;
<http://ukrainianweek.com/World/39650>

Nigeria. Security forces in Nigeria are combatting a growing insurgency in northern Nigeria. The general who is Nigeria’s national security adviser told *Business Day* that the security forces “had recovered manuals written in Arabic, training videos, and ‘martyr videos’ recorded by Boko Haram [the insurgents] suicide bombers.”

<http://businessdayonline.com/NG/index.php/news/latest/32965-boko-haram-insurgents-linked-to-the-governmen>

Serbia. The Humanitarian Law Center published publicly available documents of the Yugoslav Army obtained by the international Criminal Tribunal for the former Yugoslavia relating to Ljubisa Dikovic, who has been appointed by the president of Serbia as Chief of General Staff of the Army. The documents show that troops under his command were guilty of “shelling, evictions, looting, rape and unlawful killings of Kosovo Albanian civilians.” The Center urges the president to revoke the appointment. <http://www.hlc-rdc.org/?p=17396&lang=de>

Togo. Adama Aly has been hired by United Nation Development Program (UNDP) to be the archivist for the Togolese Truth Commission.

Tunisia. At a conference in Tunis on the role of civil society in fostering transitional justice, the chairman of the Arab Institute for Human Rights argued that to “break all tie” with “the eras of tyranny and injustice” and to fix the “deficiencies” in current transitional justice approaches, it is necessary to begin by “disclosing corruption files, as well as holding those involved accountable and engaging in acts of reconciliation, while searching for the truth.”

http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2012/02/13/feature-03

United Kingdom. The *Manchester Evening News* reported that a “bin lorry” worth of records from a law firm were dumped by the canal in Salford when a business moved into new premises and hired men to clean out the cellar. The files, “thought to number over 10,000” dating from 1867 to 2002, contained “criminal and medical records, property deeds, divorce papers and bankruptcy applications” from a firm of solicitors (attorneys) that disbanded and moved out in 2003. The new business was fined for dumping the files, and the case was referred to the Information Commissioner’s Office.

http://menmedia.co.uk/manchestereveningnews/news/crime/s/1486488_business-owner-fined-after-thousands-of-legal-documents-he-cleared-away-were-found-dumped-on-salford-canal-banks

Scotland. The Information Commissioner’s office fined the Midlothian Council £140,000 because on five occasions in 2011 the Council’s Children and Families Service sent sensitive personal data about children and their careers to the wrong addresses, *Out-Law.com* reported.

<http://www.out-law.com/en/articles/2012/january-/ico-issues-record-140000-fine-to-scottish-council-for-five-personal-data-breaches/>

United States. In 1990 a Yemeni man applied for and was granted U.S. citizenship. Under the law at that time, if he had lived in the U.S. for at least ten years before his child's birth, he could transmit citizenship to the child. The man had lived in the U.S. less than eight years and "filed his paperwork with the correct dates delineating his time in the United States," the *New York Times* reported, but the State Department in error approved the child's citizenship. Now the child, Abdo Hazam, has been notified that his citizenship, granted in error, has been revoked. He has surrendered his passport and is suing the government.

http://www.nytimes.com/2012/02/27/nyregion/us-error-costs-bronx-resident-from-yemen-his-citizenship.html?_r=1

Oops, twice. During the parade in New York City celebrating the Giants' (football team) win at the Super Bowl, people along the route threw confetti. Apparently "some people got overzealous and started throwing out any paper they could find in their office without even shredding it. This meant that documents featuring people's social security numbers, legal statements, and medical records were gracefully gliding to the ground," *Mediate* reported.

<http://www.mediaite.com/tv/whoops-some-of-the-shredded-paper-thrown-during-giants-super-bowl-parade-contained-peoples-personal-information/> In a second incident, *Motorola Mobility*, the company that manufactures the Xoom electronic tablet, sold about 100 used tablets "without first wiping out all the prior owners' personal data," including email, social media, account passwords, and what the *Wall Street Journal* termed "other personal ephemera."

<http://blogs.wsj.com/digits/2012/02/03/oops-motorola-resells-uncleared-xoom-tablets/?mod=WSJBlog>

The Boy Scouts of America have been ordered to turn over "confidential files detailing allegations of sexual abuse by Scout leaders around the nation" to the attorneys for a boy molested by his troop leader in 2007. The files date back to the 1920s and are estimated to include 5000 cases, according to a report by the *Associated Press*.

http://www.huffingtonpost.com/2012/02/20/scouts-to-turn-over-sex-abuse-files_n_1288894.html?view=screen

The problems of a law firm that has disbanded are not confined to the UK (see item above). A Washington law firm that dissolved after 55 years left behind records "in 220,000 document boxes in storage facilities in Washington, Chicago, Los Angeles and Houston, and two data centers in Ashburn and Amsterdam." The *Washington Post* reported that the maintenance cost at the data centers alone was \$100,000 a month. "Winding down a law firm's data cache is especially complicated because virtually everything in it is owned by clients who have to be tracked down and contacted." http://www.washingtonpost.com/business/capitalbusiness/the-law-firm-may-have-dissolved-but-the-records-remain/2012/02/21/gIAjxilcR_story.html

Alaska. In a demonstration of appropriate handling of records when an institution closes, the trustees of the disbanded Sheldon Jackson College donated the school's archives to the state of Alaska. This ensures the protection of the records of the education of the alumni, which include many persons who became Native American leaders, *The Republic* wrote.

<http://www.therepublic.com/view/story/a717f11a2d154b13aecec94e7026caf6/AK--Sheldon-Jackson-Records/>

California. In the first of an expected chain of settlements over a gas pipeline explosion in 2010 that killed eight people and destroyed 38 homes, the Pacific Gas and Electric Company is paying \$3 million to the state for failure to produce gas-pipeline safety records after the disaster. *SFGate.com* reported, “In the days before the deadline, PG&E trucked hundreds of thousands of pages of records from around the state to a temporary sorting center . . . Ultimately, PG&E was forced to admit there were some documents it simply couldn’t find.” <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2012/02/21/MN2PINAGRE.DTL>

The city council of Atherton, California, debated how long to retain police records, reported *The Almanac*. http://almanacnews.com/news/show_story.php?id=10656

Louisiana. When hurricane Katrina hit New Orleans, Louisiana, in August 2005, it brought down the website of the courts and damaged court records. When the courts reopened in October, “they were overwhelmed with insurance claims and problems caused by missing records,” according to a civil trial judge speaking at a bar association meeting. The judge located “backup tapes of missing civil case management records by happenstance when she was looking for a new house. The person showing the home mentioned that a family member worked at the security center where the tapes were located.” http://www.abajournal.com/news/article/what_katrina_can_teach_lawyers_about_disaster_preparedness/ The Federal Emergency Management Agency announced a \$1.7 million grant to help preserve historical courthouse records damaged in the Katrina flooding, “including evidence of land transfers, mortgages and estates.” <http://www.fema.gov/news/newsrelease.fema?id=60624>

Minnesota. The *Star Tribune* reported that although first time and low-level offenders can have their criminal charges dismissed or reduced if they meet certain conditions, “in thousands of cases, the state’s public court data system failed to register that change, an omission that could torpedo a person’s chances of landing a job or housing, and a problem officials have spent months trying to resolve.” <http://www.startribune.com/local/139489833.html>

Ohio. An audit of the Trumbull County Children Services Board found serious deficiencies in health records and case updates on children in its responsibility. The auditor looked at 21 case files and found records problems in all of them, including missing physical examination reports, missing records of drug treatment options discussed with a parent, and inaccurate statements of the visitation rights of family members. <http://www.tribtoday.com/page/content.detail/id/568074/State-audit-finds-record-keeping-problems-at-CSB.html?nav=5021>

Oklahoma. When the boundaries of school districts were changed in the 1960s and 1970s, the state maps showing school districts were not updated. Now that election records are computerized and all counties began using a standard school district map, a number of people who planned to vote in a school district election were denied the right because, unknown to them, they lived in a different district. The Election Board Secretary said “hundreds of people may be affected.” <http://tahlequahdailynews.com/local/x638262569/Incomplete-annexation->

[records-cost-patrons-the-right-to-vote](#)

Pennsylvania. In the case of a former university football coach accused of sex abuse, the university has been subpoenaed and asked to preserve “all university records and emails, including board and executive session minutes, disclosure reports and computer hard drives,” including any information on the university’s computer servers, emails, subscriber data and account information. http://www.myfoxphilly.com/dpp/sports/penn_state/feds-want-extensive-penn-state-files

Washington. As an example of the danger of allowing public records to slip into private custody, take the case of Albert Canwell and the records of the investigation of “subversive activities.” In 1947 the state legislature formed a bipartisan committee chaired by Canwell to “ferret out subversives,” as a result of which some persons lost their jobs. In 1949 the investigation ended and the speaker of the house took custody of and locked up the records. Six years later, when the legislature resolved to destroy the records, they found that the records they held were mundane committee records. Apparently Canwell kept the most important files as his personal property, and in 1984 “an arson fire destroyed his downtown Spokane offices, and presumably his files.” The detailed accounts of the intrusions into the civil rights of those investigated seem to be entirely lost. <http://www.thenewstribune.com/2012/01/31/2005874/lost-to-history-files-from-our.html>

Publications, conferences.

The Asociacion de Archiveros de Castillo y Leon published a special issue of its journal, *Tabula*, on “Justicia, terrorismo y archivos” (justice, terrorism and archives). The articles are in Spanish with brief resumes in English. To order a copy (25 Euros), see <http://www.acal.es/tabula-tienda/product/11-justicia-terrorismo-y-archivos-justice-terrorism-and-archives>

In an extensive blog posting, “Scenes from an Execution,” at *Foreign Policy* magazine, Michael Dobbs assembles the documentary evidence on the killings of men and boys at Srebrenica in July 1995. <http://dobbs.foreignpolicy.com/>

The Woodrow Wilson International Center for Scholars published the North Vietnamese Politburo’s Resolution No. 194-NQ/TW of 20 November 1969 on its policy toward captured American pilots in North Vietnam. <http://www.wilsoncenter.org/publication/e-dossier-no-30-treatment-american-pows-north-vietnam>

Human Rights Based as Demands for Communicative Action by Varun Gauri and Daniel M. Brinks is a new World Bank Policy Research Working Paper. http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2012/01/09/000158349_20120109120516/Rendered/PDF/WPS5951.pdf

Memory at Risk, a film documenting the methods of the Tunisian political police, was shown in Berlin during a visit by Tunisian civil society representatives at the end of February. It was produced by Le Labo’ Democratique with the financial support of the DCAF foundation.

On March 15, the National Humanities Center, Research Triangle Park, North Carolina, is launching a new initiative on Human Rights and the Humanities with the first in a series of three annual scholarly conferences highlighting the contributions made by humanistic scholarship to the understanding of human rights. For further information, contact mjohnson@nationalhumanitiescenter.org or see nationalhumanitiescenter.org/newsrel2012/prhumanrightsconf.htm.

The Rochester Institute of Technology in Rochester, New York, announces the 2012 Conable Conference in International Studies on the theme “Refugees, Asylum Law, and Expert Testimony: The Construction of Africa & the Global South in Comparative Perspective,” to be held April 12-14, 2012. For information, see <https://www.rit.edu/cla/conable/register.php>.

The World Congress against Sex Exploitation, Human Trafficking and Forced Labour (WCSEHTFL) 2012 has the theme “New Dimensions of Commercial Sexual Exploitation of Children (CSEC) and Combating Human and Sex Trafficking Worldwide.” It will take place April 16-18 in New York and April 20-25, 2012, in Madrid, Spain. For more information contact the conference organizing committee: wc_secretary@mail.com.

The Association of Tribal Archives, Libraries, and Museums (ATALM) has released the preliminary schedule for the June 4-7 International Conference of Indigenous Archives, Libraries, and Museums at the Cherokee-owned Hard Rock Casino and Resort in Tulsa, Oklahoma. Early bird registration (before April 30) is \$250. For more information, visit www.atalm.org.

The Provenance Research Training Program (PRTP) has scheduled first workshop in Magdeburg, Germany, June 10-15, 2012. The co-sponsor of this first workshop is the Koordinierungsstelle Magdeburg and the administrative support for it is being provided by the New York-based Claims Conference and the central office of the European Shoah Legacy Institute (ESLI). The link for the website is www.provenanceresearch.org.

The German Studies Association Conference will be held October 4-7, 2012, in Milwaukee, Wisconsin, on the theme “From Istanbul to Berlin: 50 Years of Turkish Immigration.” Contact kmachtan@calpoly.edu or see <http://www.h-net.org/announce/show.cgi?ID=192068>.

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