

HRWG ica

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

Le 4 avril est la Journée internationale de sensibilisation aux mines, le 7 avril, c'est la Journée mondiale de la santé; et le 25 avril, c'est la Journée mondiale contre le paludisme

Nouvelles de mars 2012

Compilé par Trudy Huskamp Peterson, Présidente, HRWG

Ce qui suit est le numéro vingt-huit 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.

Article 26

- 1. Toute personne a droit à l'éducation. L'éducation doit être gratuite, au moins en ce qui concerne l'enseignement élémentaire et fondamental. L'enseignement élémentaire est obligatoire. L'enseignement technique et professionnel doit être généralisé ; l'accès aux études supérieures doit être ouvert en pleine égalité à tous en fonction de leur mérite.*
- 2. L'éducation doit viser au plein épanouissement de la personnalité humaine et au renforcement du respect des droits de l'homme et des libertés fondamentales. Elle doit favoriser la compréhension, la tolérance et l'amitié entre toutes les nations et tous les groupes raciaux ou religieux, ainsi que le développement des activités des Nations Unies pour le maintien de la paix.*
- 3. Les parents ont, par priorité, le droit de choisir le genre d'éducation à donner à leurs enfants.*

Bien que long en comparaison avec les autres articles de la Déclaration, la proposition d'un article sur l'éducation n'a pas soulevé de controverse, du moins jusqu'à ce que le troisième paragraphe ait été proposé. Le délégué du Brésil, par exemple, a déclaré que "le droit de tous à l'éducation est incontestable", et a ajouté que "le droit de partager le patrimoine de l'humanité est à la base de notre civilisation, et ne peut être refusé à personne". Le représentant de la nouvelle UNESCO, qui a pour mandat l'éducation, a exhorté l'adoption de l'Article, et le délégué du Congrès juif mondial a noté que l'UNESCO avait adopté ce qui est maintenant le deuxième alinéa de l'article 26 "comme base pour ses efforts en Allemagne et dans tous les autres pays où il est nécessaire de travailler sur un changement de l'esprit d'éducation". Tardivement lors de la rédaction, la dernière phrase du paragraphe 2 a été ajoutée et a permis, comme le note Johannes Morsink, "de donner à l'éducation des droits de l'homme un place nouvelle dans l'éducation civique correspondant au nouvel ordre mondial que les rédacteurs envisageaient".

Implicite dans les paragraphes 1 et 2, la responsabilité est donnée à l'État de fournir une éducation, mais au paragraphe 3, le focus se déplace aux familles et à leur choix. Encore une fois, le fond du paragraphe 3 est lié à l'expérience nazie ; le représentant des Pays-Bas "a exprimé l'horreur que les pays occupés par les nazis ressentait encore à l'idée que l'Etat puisse obliger les enfants à être déformés moralement et intellectuellement par le parti au pouvoir", et pensait que le contrôle de la famille était le rempart contre une telle contrainte. Les délégations des États communistes, qui ne ressentait pas de méfiance concernant la puissance de l'État, se sont opposées ; le délégué de l'URSS notait qu'un "enfant a un droit absolu à l'éducation, indépendamment de la volonté de ses parents. L'éducation doit être obligatoire, car un enfant ne peut pas revendiquer ce droit, car il n'a pas la force de le défendre". Le paragraphe 3 a été adopté par un vote serré de 17 pour, 13 contre et 7 abstentions. (Toutes les citations sont de Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, pp. 212-217 and 335 pour les paragraphes 1 and 2, 263-269 pour le paragraphe 3.)

L'élaboration du droit à l'éducation est apparu rapidement. En 1960, l'UNESCO a adopté la Convention concernant la lutte contre la discrimination dans le domaine de l'enseignement ; en 1966, le Pacte international relatif aux droits économiques, sociaux et culturels inclus des déclarations fortes sur l'éducation dans les articles 13 et 14; en 1974 l'UNESCO a publié une *Recommandation sur l'éducation pour la compréhension, la coopération et la paix internationales et l'éducation relative aux droits de l'homme et aux libertés fondamentales*; et en 1981, l'Assemblée générale des Nations Unies a affirmé le droit à l'éducation dans la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes. En 1998, le premier Rapporteur spécial des Nations Unies sur le droit à l'éducation a été nommé, suivi en 1999 par l'Observation générale 13 du Conseil économique et social des Nations Unies sur le droit à l'éducation, qui commence ainsi: "L'éducation est à la fois un droit fondamental en soi et un moyen indispensable pour réaliser d'autres droits de l'homme". L'un des rapporteurs spéciaux, Katarina Tomasevski, a formulé une façon d'évaluer la qualité d'éducation que fournit un Etat de droit en consultant 4 facteurs, maintenant largement connue sous le nom des 4 A du droit à l'éducation: la disponibilité, l'accessibilité, l'acceptabilité et l'adaptabilité (*availability, accessibility, acceptability, adaptability*).
<http://www2.ohchr.org/french/issues/education/rapporteur/index.htm>
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G99/462/16/PDF/G9946216.pdf?OpenElement>. Pour les défis de plaider le droit à l'éducation, dans cette affaire devant la Commission interaméricaine des droits de l'homme, voir <http://www.wcl.american.edu/hrbrief/17/173.cfm>.

Et les archives concernant le droit à l'éducation ? Il y a les archives des fournisseurs réels de l'éducation : les écoles publiques et privées, religieuses et laïques, primaires et secondaires. Il y a les archives des organismes qui contrôlent la politique de l'éducation et le contenu de l'éducation : les parlements et les ministères de formations, les commissions d'éducation de l'Etat et les tribunaux. Les ONG de défense des droits de l'homme peuvent avoir des dossiers relatifs à des campagnes et des litiges sur le droit à l'éducation, en particulier des femmes et des groupes minoritaires, et les archives de l'avocat du gouvernement auraient les documents de la défense du gouvernement dans de tels cas. Les organismes intergouvernementaux internationaux, des tribunaux et des commissions des droits de l'homme à l'UNESCO et au Haut-Commissariat pour les réfugiés (qui doivent veiller à ce que les enfants réfugiés aient une éducation), ont tous des documents relatifs au droit à l'éducation. Les documents

personnels, eux aussi, comprennent souvent des documents relatifs à l'éducation, même s'ils ne font pas spécifiquement référence à la question des droits. Le moyen par lequel le droit à l'éducation est fourni varie selon le lieu et le temps, mais le droit est universel et les archives documentent la réalisation de l'Etat à cette promesse.

Les nouvelles sont en anglais

General news.

Pablo de Greiff was nominated as the first UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence of serious crimes and gross violations of human rights. The mandate covers the areas of the Updated Set of Principles on Impunity of the United Nations Commission on Human Rights, which has important provisions about preservation and access to archives. For de Greiff's biography, see <http://ictj.org/about/pablo-de-greiff>

International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. *The New Times/All Africa Global Media* published an article on the disposition of the archives of the two international criminal tribunals, quoting Rwandans arguing that the archives of ICTR should be housed in Kigali. In 2010 the United Nations Security Council voted to establish the International Residual Mechanism for Criminal Tribunals, with separate branches in The Hague and Arusha but managed as one. The Residual Mechanism, which will have custody of the archives of ICTY and ICTR, will begin operating in July 2012 and its functions will be reviewed in 2016.

<http://www.newtimes.co.rw/news/index.php?i=14926&a=51124#.T1lhQjGld2A>

Extraordinary Chambers in the Court of Cambodia. Laurent Kasper-Ansermet, the Swiss investigating judge, resigned and released a report on the status of his work and what he viewed as efforts to obstruct investigations in two cases. Among other allegations, he said that he had been "unable to insert even a single document into the official case files" for Case 003, the *International Justice Tribune* reported. <http://www.rnw.nl/international-justice/article/phnom-penh-love>

Mormon Church and Jewish Holocaust victims. The Church of Jesus Christ of Latter-Day Saints (the Mormon Church) practices baptizing deceased persons to give them the possibility of a life after death. In 1995 the church agreed with Jewish groups not to baptize Holocaust victims, but recently a researcher using the church's massive genealogical database discovered that baptism of Jews continued, including baptisms of the famous diarist Anne Frank and the family of Holocaust survivor Simon Wiesenthal. Outraged by the news, Jewish groups have pressed the church to live up to its previous agreement. In response, the church has "put up a virtual fire wall in their genealogical database to block any one who tries to access the names of hundreds of thousands of Holocaust victims," the *Associated Press* reported. Critics noted that the firewall will make it impossible to monitor the church's compliance with the agreement.

<http://www.azcentral.com/news/articles/2012/03/08/20120308mormon-church-restricts-access-jewish-names.html>

Judge Baltasar Garzon trial. In late February, the supreme court of Spain declared Baltasar Garzon, the Spanish judge who investigated Franco era crimes and indicted General Augusto Pinochet, not guilty for investigating crimes committed under the Franco dictatorship.

However, as part of the ruling the court said that it was not the job of courts to pursue the “historic truth” about the past and that Spain’s 1977 amnesty law is still valid. Judge Garzon is a keynote speaker at the International Council on Archives congress in August in Brisbane, Australia.

<http://www.guardian.co.uk/world/2012/feb/27/baltasar-garzon-cleared-franco-crimes/print>;
<http://www.un.org/apps/news/story.asp?NewsID=41202&Cr=judges&Cr1>

International news.

Australia/Japan. A year after a group of Australian veterans of World War II visited Japan and were promised that records relating to Australian POWs would be made available to Australia (see *HRWG News* of March 2011), the Australian Embassy in Tokyo is receiving “16 volumes of records which included name-identified files and information,” Australia’s *PSnews* reported. The volumes will be given to the National Archives of Australia. The Minister for Veterans’ Affairs said the records “would provide families with previously unseen vital information on their loved ones and help identify where a prisoner was held, the date of capture and the date of liberation.” He expressed hope that the records will bring “some form of closure for the families of those listed who have, until this time, remained uncertain of their loved one’s fate.”

http://www.psnews.com.au/Page_psn306f2.html

Belgium/Germany. The Belgian Centre for Historical Research and Documentation on War and Contemporary Society (Ceges/Soma) completed describing and digitizing the judicial files from the Belgian Military Prosecutor’s Office of the post-World War II prosecutions of “a number of officials of the German occupation authorities.” The inventory and digital files are available in the Ceges/Soma reading room, but, said the announcement of the completion of the project, “In view of the protection of privacy, the documents cannot be put on the web.”

http://www.cegesoma.be/cms/index_en.php?article=1971

Council of Europe/states from former Yugoslavia. The Human Rights Commissioner urged the republics of the former Yugoslavia to establish a regional truth and reconciliation commission “and provide it with the human and financial resources to operate effectively,” *Reuters* reported. The Council noted that the report of the commission could also “serve as a basis for objective history lessons in schools.”

http://www.dnaindia.com/world/report_balkans-must-do-more-to-tackle-war-legacy-eu-human-rights-official_1664622; http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=493879&version=1&template_id=39&arent_id=21 For a searing look at the problems in schools in Bosnia and Herzegovina, see Aleksander Hemon’s essay, “Ethnic identity training in Bosnia and Herzegovina begins in the classroom.” http://www.guernicamag.com/features/hemon_1_15_12.

European Union/Serbia. The European Parliament asked Serbia to open its National Archives and, in particular, the records of the former intelligence agency UDBA, as part of its “efforts to eliminate the legacy of the former communist secret services as a step in the democratization of Serbia,” *Balkan Insight* reported. However, the Serbian parliament is in recess until after the general elections in May, making it impossible now to pass a law authorizing the opening of the files. The Serbian State Secretary for the Ministry of Justice suggested that the government will have to form a special commission to “decide what should be made public, what is truth and what is misuse [of the information].” The European

Parliament also urged Serbia to facilitate “access to those archives that concern the former republics of Yugoslavia and to return them to the respective governments if they so request.”
<http://www.balkaninsight.com/en/article/secret-files-opening-after-the-elections>

The European Parliament Rapporteur on Serbia requested an investigation of the “part played by the Serbian authorities” in relation to the NATO bombing of the Serbian broadcaster RTS on April 23, 1999, in which 16 employees were killed. Families of the victims, reported *BIRN*, believe that “high levels officials within the Serbian government and army knew that the bombing would take place and that they left the workers on purpose within the building in order to claim that NATO is targeting civilians.” The Rapporteur said that an investigation was carried out after the bombing by Serbian Army officers and that the documents of the investigation, which he believes are “crucial” evidence, are in the Ministry of Defense archives and should be made public. <http://www.balkaninsight.com/en/article/eu-demands-resolvment-of-nato-bombing-of-rts>

Germany/United States. Two albums of photographs of paintings and furniture looted by a special Nazi task force during World War II were found by two U.S. soldiers in 1945 in Adolf Hitler’s house in the Bavarian Alps; each took an album as a souvenir. The men are now dead, and their heirs turned them over to a U.S. foundation that in turn donated them to the U.S. National Archives. <http://blogs.archives.gov/prologue/?p=8863>

Ireland/United Kingdom/Northern Ireland. The personal papers of “Gusty” Spence, a now deceased leader of the Ulster Volunteer Force, are to be auctioned on April 21 in Dublin. *The Irish Times* quoted the auctioneer as saying the papers are “similar to the release of State papers after the 30-year secrecy rule, but containing, instead, a rare version of recent history from the paramilitary perspective.” The auction house estimates the papers will sell for between 5000 and 7000 pounds.
[.http://www.irishtimes.com/newspaper/ireland/2012/0310/1224313106771.html](http://www.irishtimes.com/newspaper/ireland/2012/0310/1224313106771.html); for the auction catalog description, see <http://whytes.ie/i8.asp?Auction=20120421&Lot=1>

National news.

Argentina. It was a busy month in Argentina. First, the President received the report of a special commission she appointed to analyze the “Rattenbach Report,” the secret 1983 report of an internal military commission that analyzed the political and military responsibilities of the Malvinas/Falklands war. She then declassified the Rattenbach Report, making public all but “the names of an active Argentine intelligence agent and an islander who collaborated with Argentine forces,” the *Associated Press* reported.
http://www.google.com/hostednews/ap/article/ALeqM5ih2h9twEwuRXxOzsUL3ADQ_RMnA?docId=ac80ff3c566b4ce0b07dcb0c57d982e5 Second, the Buenos Aires Provincial Memory Commission presented an amicus curiae (friends of the court) appeal to the Argentine Supreme Court, demanding that “tortures and other ill treatments” inflicted on Argentine conscripts during the Malvinas war by military officers be considered crimes against humanity and therefore can still be prosecuted.
<http://en.mercopress.com/2012/03/26/legal-actions-against-argentine-officers-who-tortured-conscripts-during-malvinas-war>; <http://www.lanacion.com.ar/1459938-piden-a-la-corte-que-se-defina-por-las-torturas-en-malvinas>

Meanwhile, cases of economic crimes committed during the 1976-1983 military dictatorship are being brought to court. In one, the Iaccarino family is suing for reparations and has a “unique” quantity of “documentary evidence saved by the family, showing in detail how they lost their property,” their lawyer told *Inter Press Service*. The family members were arrested in 1977 and held in a clandestine detention center, the Brigada de Lanus, where “a judge, his secretary, and a notary public” visited them and persuaded the father to sign a power of attorney to hand over his property to the police in exchange for the release of his sons. The father “asked the notary public to make a note of the address” of the Brigada de Lanus where the transaction took place, and “because that was done, the fact that they signed the power of attorney in the presence of a notary public while being deprived of their freedom was officially documented.” <http://ipsnews.net/news.asp?idnews=107040>

Australia. The ombudsman of the state of Victoria issued a harshly critical report to the state parliament on the record-keeping practices of the state’s Department of Human Services. The ombudsman launched an investigation in July 2011 the ombudsman received a complaint from a “former ward of the state,” who said there were many records that were not identified and for which finding aids did not exist, *Image and Data Manager* reported. The Department receives around 1,200 requests a year from former wards of the state and adoptees wishing to access records relating to their time in care, and the ombudsman reported, “Requests to the department for access for records are often not met because records are unable to be found. Some of these requests are made in urgent circumstances.” <http://idm.net.au/article/008895-report-blasts-victorian-record-keeping-quagmire>

Brazil. Federal prosecutors opened a criminal investigation against a military officer accused of the enforced disappearance of civilians during the 1964-1985 military dictatorship. (See the publication from the National Archives of Brazil, listed below, for articles discussing the use of records in such cases.) http://noticias.pgr.mpf.gov.br/noticias/noticias-do-site/copy_of_criminal/mpf-denuncia-curio-por-sequestros-na-guerrilha-do-araguaia/; http://articles.cnn.com/2012-03-14/americas/world_americas_brazil-dictatorship-disappearances_1_amnesty-law-disappearances-human-rights-watch?_s=PM:AMERICAS

Bulgaria. *Transitions Online*, quoting the *Sofia Echo*, reported that Bulgaria’s Constitutional Court ruled that the country’s lustration commission could “name former security agents based on circumstantial evidence.” The commission has “identified 6,377 former agents and checked the files of more than 113,000 people in the last five years.” http://www.tol.org/client/article/23069-kazakh-terror-trial-opens-black-sea-neighbors-tussle.html?utm_source=TOL+mailing+list&utm_campaign=8c75d86570-TOL_newsletter3_30_2012&utm_medium=email

Canada. A judge in Kitchener’s Ontario Court chided the Royal Canadian Mounted Police (RCMP) for not keeping up to date its computerized system that keeps track of offenders’ criminal records. In the case before him, the criminal record of the man to be sentenced ended in 2008 according to the RMCP’s database, but the prosecutor found 12 more convictions since 2008. The judge said that in two other cases, death occurred which could be “attributed to police failure to keep proper records,” *The Record.com* reported. The RCMP said its data entry “has a backlog of 415,000 offenders whose 1.5 million convictions aren’t yet on the system.” <http://www.therecord.com/news/local/article/691305--judge-upset-by-rcmp-records-backlog>

British Columbia. The Sisters of St. Ann, a Roman Catholic order of nuns, donated their archives, dating back to 1858, to the Royal B.C. Museum. The order, which worked to establish the city's first hospital in 1876, eventually opened nine hospitals and 13 schools plus a nursing school. The agreement between the Sisters and the Museum calls for the Sisters to pay for maintaining the archives--including providing their own archivists to work with museum staff--until 2027, according to the story in the *Times Colonist*. It is not clear why this donation went to a museum instead of an archives, but it points to the importance of private records to document social institutions.

<http://www.timescolonist.com/travel/history+passes+museum+hands/6341376/story.html>

Hungary. In late February, a bill in Parliament that would have "facilitated public access to archives that contain relevant information" on the identities of communist-era agents and informants was defeated, *Politics.hu* reported. <http://www.politics.hu/20120227/fidesz-comes-to-the-defense-of-communist-era-spies/> *The Economist*, reflecting on the vote, noted that all the Hungarian political parties "have their share of former communist official and informers in their ranks. But if that information is in the open, then at least it can no longer be used to influence the political process in underhand fashion. Keeping the archives closed serves nobody much, other than party operatives skilled in political dirty tricks."

<http://www.economist.com/blogs/easternapproaches/2012/02/hungary>

India. The *New York Times* (electronic version) published a 4-part blog by Dinyar Patel, a Ph.D. candidate in history at Harvard University, on the state of India's archives.

<http://india.blogs.nytimes.com/2012/03/23/the-parsis-once-indias-curators-now-shrug-as-history-rots/>

Macedonia. The Constitutional Court "scrapped" provisions of the lustration law which was "aimed at purging former police informants from public office." In an interview with *BIRN*, Silvana Boneva, the "coordinator" of the ruling party in parliament, said that the "credibility of the current lustration process has been shaken" because the Lustration Commission has not been allowed to reveal spy dossiers in public "and explain on which basis it was pronouncing someone a collaborator." She said the ruling party will propose a new law and then "anyone will be able to see the spy dossiers on the internet and see who has been snitching on people for ideological and political reasons." <http://www.balkaninsight.com/en/article/silvana-boneva-no-excuses-remain-to-oppose-lustration>

Nepal. The three major political parties agreed "in principle" on the formation of a Truth and Reconciliation Commission and a Commission on Disappearance, reported *ekantipur.com*.

<http://www.ekantipur.com/2012/03/31/top-story/three-parties-okay-trc-bill-terms/351512.html>

New Zealand. "The Office of the Privacy Commissioner and the ACC [Accident Compensation Corporation] Board have jointly commissioned an inquiry into the privacy breach in which information about more than 6,000 claims was emailed" to a claimant, the *NZ Herald* reported. Among the 6000 claims were at least 137 from people making "sensitive claims." The "sensitive claims unit deals with sexual abuse and rape victims," *Radio New Zealand* explained.

<http://www.radionz.co.nz/news/national/100788/acc-investigating-major-privacy-breach-allegation>; http://www.nzherald.co.nz/acc/news/article.cfm?o_id=3&objectid=10794138

Romania. Despite (a) a 2002 Romanian law that makes Holocaust denial a crime, (b) an official Holocaust Remembrance Day on October 9, and(c) the 2004 report of an official

International Commission on the Holocaust in Romania, a Romanian senator denied the involvement of Romanian soldiers in a World War II pogrom in Iasi, *Transitions Online* reported. http://www.tol.org/client/article/23039-poland-likes-it-dirty-romanian-pol-rewrites-history.html?utm_source=TOL+mailing+list&utm_campaign=ae08926aa6-TOL_newsletter3_13_2012&utm_medium=email

Russia. In another demonstration of the power of documents to close as well as open human rights opportunities, the Russian Justice ministry said that the Russian Justice Initiative's "registration documents were out of order," which, said *Transitions Online*, "effectively revoked" the Initiative's right to operate in Russia. The initiative is a legal advocacy group that has gotten judgments in the European Court of Human Rights against the Russian government on behalf of residents of Chechnya. http://www.tol.org/client/article/23040-slovakia-turns-left-russia-boots-legal-aid-group.html?utm_source=TOL+mailing+list&utm_campaign=ae08926aa6-TOL_newsletter3_13_2012&utm_medium=email

Serbia. As reported in the *HRWG News* of February 2012, the Humanitarian Law Center protested the appointment of General Ljubisa Dikovic as head of the Serbian army, saying he failed to prevent war crimes in Kosovo. The General has now filed suit against Natasa Kandic, the director of the Center. <http://www.balkaninsight.com/en/article/serbian-army-chief-files-suit-against-ngo-head> Undeterred, the Center issued a new report on human losses in Kosovo during the NATO bombings between March 24 and June 10, 1999. Basing its analysis on "over 6,000 documents: the testimonies of witnesses and surviving family members of the victims, court documents, government reports, reports from domestic and international human rights organizations, forensic reports, newspaper articles, book, monographs and other sources about the NATO bombing," the Center concluded that "9,401 persons were killed, died or were forcibly disappeared, of whom 758 were killed by NATO activities." The largest number of victims was "more than 6,200 Kosovo Albanian civilians" killed or disappeared by Serbian forces. <http://www.hlc-rdc.org/?p=19413&lang=de>

In 2004 the Serbian parliament passed a law on the "equalization" of participation of rightist Chetniks and communist Partisans during World War II. In 2006 another law granted former Chetniks the right to seek rehabilitation, and some 2000 rehabilitation cases have been filed in Serbian courts, of which approximately 1600 have been granted and the rest are pending. In a long analysis, *BIRN* reports on the case before Serbia's Higher Court to determine the legality of the execution in 1946 of Draza Mihailovic, the wartime leader of the Chetniks who was accused of collaborating with the Axis forces, and his possible rehabilitation. <http://www.balkaninsight.com/en/article/ghost-of-draza-mihailovic-still-divides-serbia>

Sierra Leone. Land titles continue to be a substantial problem in many parts of the world. *All Africa* reported on foreign land investment in Sierra Leone and recounted the story of a man who leased all his land—3.04 hectares—to the government for 50 years, which the government leased for 50 years to a commercial company that will use the land to produce palm oil. The man told *All Africa*, "It was not a fair deal," and said that he had not been given a receipt "and now has no idea of where he stands." <http://allafrica.com/stories/201203201156.html>

Solomon Islands. The Truth and Reconciliation Commission officially delivered its five volume final report to the Prime Minister. The TRC chairman said the report "seeks to give a

clear picture of the gross human rights violation of the past ethnic tension,” reported the *Solomon Times Online*. <http://solomontimes.com/news.aspx?nwID=6802>

South Korea. The Saenuri political party withdrew its candidate for a Seoul district seat in the National Assembly; the candidate, Lee Young-jo, was the former head of the Truth and Reconciliation Commission. Lee has characterized the Gwangju Democratization Movement of 1980 as the “Gwangju Rebellion,” the *Korea Times* reported, and former truth commission employees sued him for “suspending the distribution” of the English version of the publication *Historical Background of Korea’s Past Settlement*, claiming that he banned it because “it reveals that the Korean Army, police and right-wing organizations were responsible for the deaths of innocent civilians.”

http://www.koreatimes.co.kr/www/news/nation/2012/03/116_106912.html

South Sudan. The United Nations Mission in South Sudan (UNMISS) announced that as part of the reform of South Sudan police service, UNMISS and the UN Development Program have begun a nation-wide registration for all police. The purpose of the registration “is to collect personnel data, create accurate digital records of the officers, determine the correct number of police officers and streamline logistical and administrative support.” Thanks to Tom Adami for this information.

<http://unmiss.unmissions.org/Default.aspx?tabid=3465&ctl=Details&mid=6047&ItemID=59009&language=en-US>

Taiwan. On February 27, “over 1000 citizens, civic group members and families of 228 Incident victims” marched to mark the anti-government uprising that began on February 27, 1947, and was brutally suppressed by the Kuomintang (KMT) government. Estimates of the number of people who died range from 10,000 to 30,000. An official of the Taiwan National Federation of 228 Incident Care Association told *Focus Taiwan News Channel* that “the protesters are continuing their call on the KMT to provide documents about the 228 Incident in its Party History Institute to the Academia Historica to further its research on the issue.”

http://focustaiwan.tw/ShowNews/WebNews_Detail.aspx?ID=201202280033&Type=aSOC

On March 7 the Taiwanese president “apologized for the bad treatment of democracy pioneers by the previous Chinese Nationalist party (KMT) regime and promised to continue efforts to unveil the truth behind past tragedies,” reported the *Taipei Times*. He made the remarks at the opening of a memorial hall and research center dedicated to the memory of democracy activist Lei Chen.

<http://www.taipeitimes.com/News/taiwan/archives/2012/03/08/2003527275>

Thailand. Registration for compensation to victims of political violence during “political gatherings” between 2005 and 2010 began. Persons planning to register, said the *Thai Financial Post*, “are required to bring a copy of their identification card, house registration, family member’s death certificate, medical certificate, receipts for medical treatments and documents stating their rights as a beneficiary.”

<http://thaifinancialpost.com/2012/03/08/registration-for-political-rally-compensation-starts-today/>; http://www.mcot.net/cfcustom/cache_page/339062.html

United Kingdom. The Information Commissioner’s Office fined the Lancashire Constabulary 70,000 pounds “after a missing person’s report containing sensitive information about a 15-year-old girl was found on a street in Blackpool,” *computing.co* reported. The document included the girl’s age, address, contact information, and mentioned that she had been raped;

it also had personal details relating to 14 other persons. This is the first time a police force in England and Wales has been fined by the Commissioner.

<http://www.computing.co.uk/ctg/news/2159387/lancashire-police-fined-losing-vulnerable-girl>

Northern Ireland. In preparation for a promised official government inquiry into “clerical and institutional child abuse,” three Catholic orders “have appointed archivists to search through their historical paperwork for evidence of abuse, following a landmark meeting with survivors,” *UTV News* reported. The *Belfast Telegraph* says the official investigation, which was announced as long ago as December 2010, “will consider allegations dating back to 1945.”

<http://www.u.tv/News/Orders-trawl-archives-for-abuse-records/f33443c7-ae3-495d-b141-d8226df7ec49>; <http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/catholic-church-will-cooperate-fully-in-abuse-probe-vows-primate-16130423.htm>

United States. For the seventh year, the Ponemon Institute published a *Cost of Data Breach Study*. The Institute researchers surveyed 49 U.S. companies in 14 different industry sectors. They found that the cost of data breaches declined from the 2010 costs, more customers are remaining loyal following a data breach, “negligent insiders and malicious attacks are the main causes of data breach,” and while detection costs declined, notification costs increased.

<http://www.symantec.com/content/en/us/about/media/pdfs/b-ponemon-2011-cost-of-data-breach-us.en-us.pdf>

A Federal government audit of the Internal Revenue Service found that “control weaknesses” in “key financial and tax-processing systems” were jeopardizing “the confidentiality, integrity and availability of the financial and sensitive taxpayer information.”

<http://www.gao.gov/products/GAO-12-393>

The Federal Department of Health and Human Services settled the first case under the Federal standard for the privacy of individually identifiable health information.

In October 2009, 57 unencrypted hard drives were stolen from “a network data closet” of BlueCross Blue Shield of Tennessee, an insurance company. The stolen drives contained “audio and video recordings of . . . customer service calls and included the names, Social Security numbers, diagnosis codes, dates of birth and health plan identification numbers” of over 1 million persons. The company was fined \$1.5 million and is obligated to follow a “Corrective Action Plan” and “retain all records pertaining to compliance” for three years.

For the settlement agreement, see

http://www.hhs.gov/ocr/privacy/hipaa/enforcement/examples/resolution_agreement_and_cap.pdf; for a brief report see

[http://www.huntonprivacyblog.com/2012/03/articles/hhs-settles-first-breach-notification-rule-case-for-1-5-million/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+PrivacyInformationSecurityLawBlog+\(Privacy+%26+Information+Security+Law+Blog\)&utm_content=Google+Reader](http://www.huntonprivacyblog.com/2012/03/articles/hhs-settles-first-breach-notification-rule-case-for-1-5-million/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+PrivacyInformationSecurityLawBlog+(Privacy+%26+Information+Security+Law+Blog)&utm_content=Google+Reader)

A terrorist bombing at a Federal building in Oklahoma on April 19, 1995, killed 168 people. The Federal Bureau of Investigation has denied a Freedom of Information Act request for the surveillance tape of the building and the dashcam video from the car of the state trooper who stopped the bomber, saying they cannot locate the videotapes. The requester filed suit, and the federal judge hearing the case said, reported the *Deseret News*, “It’s quite astounding that documents as important as these went missing and the FBI says, ‘Well, they’re gone.’” The

judge gave the FBI until June 15 to provide additional information.

<http://www.deseretnews.com/article/865552630/FBI-explanation-of-missing-Oklahoma-City-bombing-tapes-not-credible-judge-says.html>

California. During a “routine disaster-recovery exercise,” four computer backup tapes being transported from Colorado to California were lost. They contained data from the California Department of Child Support Services with information on more than 800,000 people. *Bloomberg Businessweek* reported that the Department believes the tapes fell out of an improperly secured shipping container while in transit.

<http://www.businessweek.com/news/2012-03-29/california-says-ibm-iron-mountain-lost-state-agency-data>

District of Columbia. A neighborhood in Northwest Washington was the site of a World War I center for chemical warfare research. For nearly 20 years the U.S. Army has been cleaning up the site, which is now a residential area. Pointing to the importance of personal papers, an Army sergeant who worked at the site during the war left to his daughter “a trove of photos” of the site. One of the photos shows canisters lined up at the edge of a pit and on the back the sergeant wrote, reported the *New York Times*, “The most feared and respected place in the grounds. The bottles are full of mustard [gas], to be destroyed here. In Death Valley. The hole called Hades.” The exact location of the pit is undetermined, but the Army now will demolish a house believed to be on the site.

http://www.nytimes.com/2012/03/18/us/hunt-zeros-in-on-the-mystery-of-an-old-site-called-hades.html?_r=1&n=Top/News/U.S./U.S.%20States,%20Territories%20and%20Possessions/Washington,%20D.C.?ref=washingtondc

Kansas. A woman who was putting material in a recycling bin found more than 1000 abortion records scattered in front on the bin. She called the police, who did not respond, so she contacted the *Kansas City Star* newspaper, who picked up the records, wrote a story about them (not using personal information), and then turned the records over to the state government’s Board of Healing Arts. A doctor, whose license to practice was revoked in 2005, confirmed that he left the records at the bin.

<http://www.kansascity.com/2012/03/26/3516022/star-turns-over-documents-to-state.html#storylink=cpy>

Rhode Island. A local web publisher filed an access to information request with the city of Providence (the capitol of the state), asking for information about pension recipients. In response, the city accidentally e-mailed a .pdf file that listed every city retiree (nearly 3000 persons), their retirement date, the date they began receiving a cost-of-living-adjustment, and the amount they receive each month. The publisher agreed to delete the file from its system.

<http://www.golocalprov.com/news/exclusive-city-accidentally-releases-thousand-of-retirees-social-security-n/>

Texas. Rev. Claude Black Jr., the deceased minister, politician and civil rights leader who was instrumental in integrating lunch counters and preached a nonviolent struggle for equality, collected thousands of pages of correspondence, sermons, speeches, photos and other documents. “His equally involved wife, ZerNona Stewart Black, never threw anything away,” reported the *San Antonio Express-News*. Their grandson recently donated the papers to Trinity University. http://www.mysanantonio.com/news/local_news/article/Rev-Black-s-papers-offer-a-close-up-look-at-3372508.php#ixzz1nvcmV776

Uzbekistan. The Finance Ministry announced that pension benefits have been “incorrectly calculated” and the overpaid pensioners need to return money to the Pension Fund, *Radio Free Europe/Radio Liberty* reported. The government says that people lied about their salaries to receive higher pensions; however, the *Radio* quotes a retired director of a private business that he says was shut down “illegally” in 2002 and its documents seized by authorities. Without the paperwork, he says, his former employees “have been unable to prove their earning history and are now being accused of lying in order to receive higher pensions.” <http://www.rferl.org/articleprintview/24524074.html>

Publications, conferences, calls for papers.

Publications.

The National Archives of Brazil published volume 24, number 1 (Jan/June 2011), of its journal, *Acervo: Revista do Arquivo Nacional*. The theme of the issue is “Access to Information and Human Rights,” and prints the papers from a seminar by the same name held in November 2010. All papers are in Portuguese. To obtain a copy, email: revista.acervo@arquivonacional.gov.br.

The webcast of a seminar, “Archives in Wartime: From WWII to the Invasion of Iraq,” held February 24, 2012, at the Woodrow Wilson International Center for Scholars in Washington, D.C., is now on line at the Center’s website: <http://www.wilsoncenter.org/event/archives-wartime>

To honor the International Day of the Right to Truth (March 24), the International Center for Transitional Justice (ICTJ) presented stories, photographs, and video on efforts to seek truth in five countries: Bosnia and Herzegovina, Colombia, Indonesia, Kenya, and Lebanon. <http://ictj.org/gallery/can-we-handle-truth>

In 2009–2010, the International Center for Transitional Justice, the Papua Women Commission, and the Women Working Group of Papuan People Assembly provided support to a group of Papuan women for a project to document gender-based violence and human rights violations that occurred between 1963 and 2009. The women interviewed 261 people (243 women and 18 men) and have released a report that concludes, “Change cannot be postponed any longer.” http://ictj.org/sites/default/files/ICTJ-IDN-Enough-Women_Papua-Report-2010.pdf

Conferences.

A conference “Documenting Human Rights Violations: The Importance of Archives in Dealing with the Past” will be held April 25, 2012 in Bern, Switzerland. The conference will bring together up to 50 practitioners, policy-makers and researchers working in the area of the documentation of human rights violations in order to address the preservation, access and use of records and archives related to dealing with the past processes, enhance the dialogue between archival and Dealing with the Past experts, and foster a community of practitioners. The Swiss Federal Archives, the Human Security Division of the Swiss Federal Ministry of Foreign Affairs, and the NGO swisspeace will also take the occasion of this conference to launch officially their joint project “Archives and Dealing with the Past.” For details concerning the program and venue and to register (by April 15, 2012) contact naomi.kunz@swisspeace.ch.

A symposium “Transitional justice after war and dictatorship: Learning from European experiences (1945-2000)” will be held May 23-24, 2012, at the Egmontpalace, Brussels, funded by the Federal Belgian Peace Building Division. Attendance is free of charge but registration is mandatory via e-mail to: lut.vandaele@cegesoma.be.
http://www.cegesoma.be/docs/media/Activites_Scient/TransJusticeSymposium_ProgrammeMai2012.pdf

Calls for Papers.

An international conference organized by nine institutions in Europe and North America on the topic, “World War II, Nazi Crimes, and the Holocaust in the USSR,” will be held December 7-9, 2012, at the National Research University Higher School of Economics in Moscow, Russia. The conference will be conducted in Russian and English with simultaneous translation. For more information and the call for papers (deadline for submission of proposals is May 15, 2012), see
<http://www.ushmm.org/research/center/presentations/discussions/details/russia-conference/>.

“Children and War: Past and Present” is the topic of a conference organized by the University of Salzburg and the University of Wolverhampton, in association with the United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict. It will be held at the University of Salzburg on July 10-12, 2013. Persons wishing to present papers should send an abstract of 200-250 words, together with biographical background information of 50-100 words by July 31, 2012 to J.D.Steinert@wlv.ac.uk. The organizers intend to publish a selection of conference papers.

Please share news with us! trudy@trudypeterson.com or j.boel@UNESCO.org

To subscribe to the Newsletter, enter the required information on the form that you will find on this URL: <http://www.unesco.org/archives/hrgnews/managesub.php>.

Previous issues of the Newsletter are online at <http://new.ica.org/4535/ressources/ressources-relatives-aux-archives-et-droits-de-lhomme.html> and <http://128.121.10.98/coe/main.jsp?smd=2&nid=569829> as well as on the UNESCO website.

((French translation by Cristina Bianchi))