

Le 4 juin est la Journée internationale des enfants victimes innocentes d'agression, la Journée internationale des archives est le 9 Juin, la Journée internationale contre le travail des enfants est le 12 Juin, la Journée mondiale des réfugiés est le 20 Juin, le Jour international des veuves est le 23 Juin, et la Journée internationale des Nations Unies pour le soutien des victimes de la torture est le 26 Juin

Nouvelles de mai 2012

Rédigé par Trudy Huskamp Peterson, président, HRWG

Ce qui suit est le numéro trente dans 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 des Droits de l'Homme, Article 28 : *Toute personne a droit à ce que règne, sur le plan social et sur le plan international, un ordre tel que les droits et libertés énoncés dans la présente Déclaration puissent y trouver plein effet.*

L'Article 28 commence la dernière partie de la Déclaration universelle des droits de l'homme, une section que le délégué français René Cassin appelait le "fronton du temple." Un "débat prolongé" du comité de rédaction, centré sur les différentes conceptions du rôle de l'Etat détenues par les États-Unis et l'Union soviétique, a conduit à l'élaboration de l'Article 28. Le libanais Charles Malik a proposé le texte de l'article, en faisant valoir que la Déclaration devait indiquer "les conditions qui doivent être en place avant que les droits de la Déclaration puissent être pleinement réalisés", sans préciser la forme de gouvernement requis. (Mary Ann Glendon, "The Rule of Law in the Universal Declaration of Human Rights," <http://www.law.northwestern.edu/journals/jjhr/v2/5.>)

La proposition de Malik a été acceptée, bien que plusieurs délégués aient estimé qu'elle n'était pas nécessaire compte tenu des termes mentionnés dans les autres parties de la Déclaration qui avait déjà été adoptée. Toutefois, le professeur de droit australien Peter Bailey appelle les articles 28 et 29 "explosifs dans leur signification", ajoutant que "l'Article 28 met l'accent sur la responsabilité de l'ensemble de la communauté internationale pour la recherche et la mise en place de dispositifs civils et politiques, ainsi qu'économiques et sociaux qui permettent la pleine réalisation des droits de l'homme". <http://www.universalrights.net/main/creation.htm> Lorsque l'Assemblée générale des Nations Unies a voté cet article, il est passé avec 8 abstentions.

Après que la Déclaration a été adoptée, les Nations Unies ont commencé à développer des clauses restrictives qui sont juridiquement contraignantes pour les pays signataires. L'Article 28 n'a pas été défini dans un pacte spécifique, et n'a donc pas force de loi. Toutefois, les tribunaux pénaux internationaux, les commissions de vérité et leurs participants internationaux, et la norme, maintenant approuvée par le Conseil de sécurité des Nations Unies, reconnaissent que les États et la communauté internationale ont les deux une "responsabilité de protéger" les gens des atrocités de masse (connu comme R2P) ; tout cela démontre que les idées de l'Article 28 ont eu une grande influence sur le développement ultérieur des droits de l'homme.

Les archives concernant l'ordre social sont massives. Beaucoup se trouvent dans les mains des gouvernements ou des organisations internationales: par exemple, les documents des assemblées législatives, de la police, des administrations coloniales, des tutelles, des composantes de l'Organisation des Nations Unies, de l'Office de secours et de travaux pour les réfugiés de Palestine dans le Proche-Orient, des tribunaux de la Cour pénale internationale. Les documents de l'ordre social se trouvent également dans les archives des organisations non gouvernementales qui s'efforcent de promouvoir et de protéger l'ordre social et dans les papiers personnels des militants, dans les dossiers des entreprises et des syndicats, dans les registres des communautés religieuses et des institutions éducatives. Comprendre l'ordre social nécessite le point de vue à la fois du gouvernement et des gouvernés, et les archives de toutes les parties de la société sont essentielles pour étayer les droits de l'Article 28.

Nouvelles du Groupe de travail des droits humains du Conseil International des Archives (ICA).

Le Groupe de travail des droits humains se réunira lors du Congrès de Brisbane à 15h30, jeudi après-midi, 23 août 2012. La salle de réunion n'a pas encore été annoncée. Bienvenue à tout le monde. Les suggestions de sujet à mettre à l'ordre du jour doivent être envoyées à : trudy@trudypeterson.com.

Lors du Congrès de Brisbane, le Conseil international des Archives se penchera sur l'adoption d'une déclaration des "Principes sur l'accès aux archives", lors de sa réunion générale annuelle. Le sixième principe énonce : "Les institutions possédant des archives font en sorte que les victimes de crimes graves relevant du droit international aient accès aux archives qui fournissent des éléments de preuve nécessaires pour faire valoir leurs droits en tant que personne humaine et pour documenter ces violations , même si ces dossiers sont fermés au public en général." Les catégories A de l'ICA (Archives nationales et fédérales des Etats membres) et catégories B (associations d'archives) sont habilitées à voter sur cette déclaration importante, que le HRWG soutient.

Tessa Fallon et Aileen Cornelio, du Groupe de travail, continuent à rédiger un répertoire des archives des droits de l'homme, en se concentrant sur les archives qui soit s'identifient comme archives des droits de l'homme (y compris les archives spécialisées telles que les archives de la police ou les archives des commissions de vérité) soit font partie d'un organisation des droits

humains. Le Groupe de travail est intéressé à recevoir des candidatures d'archives qui devraient être incluses. Un formulaire de candidature se trouve sur ce lien:

<https://docs.google.com/spreadsheet/viewform?formkey=dHNnZXJBMi1ZNDYyRWdGeldKSE12Q1E6MQ>

Le Groupe de travail a envoyé une lettre de félicitations à Pablo de Greiff, le nouveau Rapporteur spécial des Nations Unies pour la Promotion de la vérité, la justice, les réparations et garanties de non-récidive. Le document se trouve en annexe à la publication de *HRWG News*.

La réunion annuelle de l'ICA en 2013 se tiendra à Rio de Janeiro, au Brésil. Le thème sera «Transparence de l'Etat et droits des citoyens d'accéder à l'information." Ce thème est particulièrement approprié parce que le Brésil vient d'adopter une loi sur la liberté de l'information et a établi une commission de vérité.

Les nouvelles sont en anglais

International news.

Africa/G-8. On May 19, at the close of their Camp David Summit, the G-8 leaders announced a New Alliance for Food Security and Nutrition that has as its goals “to increase responsible domestic and foreign private investments in African agriculture, take innovations that can enhance agricultural productivity to scale, and reduce the risk borne by vulnerable economies.” <http://www.state.gov/documents/organization/190494.pdf> An editorial in the *Washington Post* reported that as part of the program “Ethiopia has agreed to launch a land-titling process.” http://www.washingtonpost.com/opinions/a-worthy-g-8-proposal-aims-to-lift-millions-out-of-poverty/2012/05/17/gIQAVwY2WU_story.html Land titles have been a major problem in Ethiopia, as they are in many parts of the world (see, for example, this *Deutsche Welle* story from August 2011 on Ethiopia land titles <http://www.dw.de/dw/article/0,,15351878,00.html>). The Alliance will need to ensure that the archival system in Ethiopia has the authority and capacity to protect the official records of the new titles.

Al Qaeda. The Combatting Terrorism Center at the U.S. Military Academy at West Point released 17 files (175 pages) of documents seized during the raid on the Osama bin Laden compound. <http://www.ctc.usma.edu/programs-resources/research-resources/harmony-documents> For some of the extensive press coverage of the documents, see: http://www.washingtonpost.com/world/national-security/new-bin-laden-documents-released/2012/05/03/gIQAYOcnyT_story.html; http://www.washingtonpost.com/world/national-security/bin-ladens-last-stand-in-final-months-terrorist-leader-worried-about-his-legacy/2012/04/30/gIQASStCjsT_story.html; http://www.nytimes.com/2012/05/04/world/recovered-documents-show-a-divided-al-qaeda.html?_r=1&pagewanted=all

Afghanistan/Al Qaeda/Iraq. In advance of the release of the Al Qaeda documents on May 3, Douglas Cox, a law librarian and professor at the City University of New York School of Law, released a Captured Records Index on his fine “Document Exploitation” blog. He notes that

the records he has indexed are limited “largely” to documents captured by U.S. forces during battlefield operations in Iraq and Afghanistan, but he intends to expand the index as more documents are released to the public. <http://www.docexblog.com/2012/05/introducing-captured-documents-index.html>

Al Qaeda/Germany. When a suspected al-Qaeda member was arrested in Berlin in May of 2011, he was found with a memory card with a password-protected folder. *Die Zeit* reported that computer forensics experts from the German Federal Criminal Police claim that within what appeared to be a pornographic video were 141 separate text files, containing documents detailing al-Qaeda operations and plans for future operations. <http://www.zeit.de/2012/12/Al-Kaida-Deutschland/seite-1> For a description of the technical means to hide unencrypted files within a video, see *Ars Technica* <http://arstechnica.com/business/2012/05/steganography-how-al-qaeda-hid-secret-documents-in-a-porn-video/>

Europe. A major new study of the situation of Roma in 11 European Union Member States, undertaken jointly by the European Union Agency for Fundamental Rights, the United Nations Development Program, the World Bank and the European Commission, was released. The study is based on a survey of nearly 15,000 Roma households and 7,278 non-Roma households. Two separate polling firms did the fieldwork. Which of the partners or commercial firms will hold the archival records of this massive sample is not clear from the report. http://fra.europa.eu/fraWebsite/attachments/FRA-2012-Roma-at-a-glance_EN.pdf

Argentina/Spain. In a background report called “The Story Underneath” and filed in April, the *Inter Press Service* reported on the human rights crimes committed during Spain’s 1936-1939 civil war and the 1939-1975 dictatorship of General Francisco Franco that are being tried in Argentina. One of the plaintiffs told *IPS* that “they are advising survivors of the Spanish dictatorship and family members of victims on how and where to obtain documents that serve as evidence of the crimes that were committed.” The judge in the case asked Spanish authorities “to provide the names of military officers involved in the repression; lists of victims of forced disappearance and summary execution; lists of children who were stolen from their parents during the dictatorship; and the names of companies that allegedly benefited from the forced labour of political prisoners.” <http://ipsnews.net/news.asp?idnews=107382>

Japan/United States. In early April a team of Japanese government researchers at the U.S. National Archives found a detailed map, apparently drawn by the U.S. military during World War II, showing the location of 95 entry points to bunkers on Iwoto Island. *The Mainichi* reported that this discovery “could aid the retrieval of remains of more fallen soldiers on a major World War II battleground.” About 21,900 Japanese soldiers are believed to have died on Iwoto, but the remains of only about 9,900 have been recovered. The government “plans to complete an intensive search for remains” based in part on the information from the map. <http://mainichi.jp/english/english/newsselect/news/20120505p2g00m0dm033000c.html>

North Korea/South Korea. A South Korean human rights group published a report on North Korea’s political prison camps, “based on about 200 face-to-face interviews with defectors who survived such camps,” the *Washington Post* reported. The names were redacted in the published report. The original interviews held by the human rights group will be a very important potential body of evidence if prosecutions will ever take place; because the group is “government-funded”

it is not clear whether the group will maintain these interviews in its own archives or if the original materials will become part of the government's archives.

http://www.washingtonpost.com/world/south-korean-report-details-alleged-abuses-at-north-koreas-prison-camps/2012/05/09/gIQA794LDU_story.html

Papua New Guinea/United States. In the late 1990s, a linguist from the University of Virginia recorded conversations in the Arapesh language in Papua, New Guinea, a language whose native speakers now are all dead. Later she created a digital copy of the audio recordings she had transcribed and a lexicon, and she makes them available through a website and a Facebook page. She told *The Register*, "When a group of urban Arapesh who use Facebook stumbled upon the Arapesh archive," they contacted her asking for help in learning their ancestors' language. Archivists in colleges and universities have a special responsibility to ensure that research materials created and obtained by university faculty and of importance to native communities are preserved and made available.

http://www.theregister.co.uk/2012/05/09/dead_papua_language_preserved/ For the Arapesh website, see: <http://www.arapesh.org/> .

South Africa/Zimbabwe. The High Court of South Africa ordered South African authorities to investigate and prosecute members of the Zimbabwean government who allegedly tortured their political opponents. According to an op-ed piece in the *New York Times*, "The case began in early 2008, when lawyers gave South African government prosecutors a dossier containing evidence that 17 Zimbabweans, some of whom now live in South Africa, had been tortured. . . . Inside the dossier were the victims' sworn statements, corroborating affidavits from witnesses and doctors and the identities of the alleged perpetrators."

http://www.nytimes.com/2012/05/15/opinion/a-landmark-ruling-in-south-africa.html?_r=1; see also <http://www.caaglop.com/robberisland-blog/politics/holding-robert-mugabe-accountable-the-implications-of-a-controversial-south-african-ruling-for-zimbabwe-and-international-justice/>

United Kingdom/World. The United Kingdom government is creating a team of "experts devoted to combating and preventing sexual violence in armed conflict" that can "be deployed overseas at short notice to gather evidence and testimony that can be used to support investigations and prosecutions," the British Foreign Secretary announced. The team will support the United Nations and "other international missions," provide training to national authorities, and "work on the frontline with grass roots organisations, local peace builders and human rights." Whether the evidence gathered will be held in the country where it was collected, will be given to an international or local partner, or maintained in the U.K. as part of the records of the Foreign Office (and, ultimately, part of the National Archives) is not stated.

<http://www.fco.gov.uk/en/news/latest-news/?view=Speech&id=770091082>

National news.

Argentina. Two brothers who owned a farmhouse that was used as a clandestine prison during Argentina's military dictatorship were convicted of crimes against humanity. Carlos Moreno, a labor rights attorney, was imprisoned and later killed on the farm, the *Christian Science Monitor* reported. Moreno had been investigating working conditions in factories that belonged to a

cement company, and evidence during the trial “showed that directors of the company may have ‘induced’ the killing.” A government minister was implicated in the crime “for writing a report that indicated Moreno had been killed in a standoff.” As they sentenced the brothers, the judges ordered the prosecutor to open an investigation into the cement company’s “role in crimes against humanity,” showing the importance of business records in human rights cases.

<http://www.csmonitor.com/World/Americas/2012/0523/Argentina-officially-indicts-civilians-for-role-in-dirty-war>

Bangladesh. The chief of “Bangladesh’s largest Islamic party” and one of his deputies were indicted for alleged crimes against humanity committed during the 1971 independence war against Pakistan, the *Washington Post* reported. The party opposed separation from Pakistan, and the leaders “now stand accused of collaborating with the Pakistani army in committing atrocities.” Given the date of the alleged crimes, archives could be crucial. However, in a story from Dhaka in April, *bdnews24* reported that an officer investigating charges against a party leader said in a deposition that “a number of records and documents dating back to 1971 had been destroyed. . . . He said the records were destroyed during the regimes that followed the assassination of Bangladesh’s founding president Sheikh Mujibur Rahman in 1975.”

http://www.washingtonpost.com/world/asia_pacific/bangladesh-islamic-party-leaders-indicted-on-war-crimes-charges-for-their-roles-in-1971-war/2012/05/28/gJQAttivvU_story.html

<http://www.bdnews24.com/details.php?id=222770&cid=2>

Brazil. Brazil’s Freedom of Information law went into effect on May 16, and the federal comptroller’s office said there were “just over 700 requests in total on the law’s first day,” according to a story in the *Huffington Post*. On the same day, the Brazilian truth commission began; it will examine events that occurred during the period from 1946 to 1988. The seven member commission—six lawyers and a psychoanalyst—has two years to complete its work. Given the time span of the commission’s mandate and the makeup of the commission, the specialized assistance of archivists and archives will be essential.

http://www.huffingtonpost.com/2012/05/17/brazil-freedom-of-information_n_1525131.html;

<http://www.bbc.co.uk/news/world-latin-america-18087390> Thanks to Silvia Ninita de Moura Estevao for information on the law and the truth commission.

Burundi. In an interesting example of the importance of court records, a human rights activist in Burundi, looking for something else at the Supreme Court, discovered that the president of Burundi had been quietly acquitted by Supreme Court a year ago for his role in alleged atrocities committed in 1998 when he was one of the chiefs of the rebellion against the government. The court spokesman said that this acquittal was a “normal” process, but the human rights community said this “constitutes procedural irregularity as these matters were supposed to be addressed in Truth and Reconciliation,” reported *Radio France Internationale*.

<http://www.rfi.fr/afrique/20120525-acquittement-president-burundi-pierre-nkurunziza-bujumbura>

Canada. The controversy over Canada’s long gun registry, as reported in previous issues of *HRWG News*, continues. The Premier of the province of Ontario said he wants stores to keep records of who buys firearms; however, the province of New Brunswick said it will no longer require gun dealers to keep records of sales of long guns. The Royal Canadian Mounted Police

Commissioner warned all chief firearms officers in the country that they must not to create any semblance of a long-gun registry in their jurisdictions.

<http://news.nationalpost.com/2012/05/11/rcmp-boss-warns-provinces-against-backdoor-long-gun-registries/>;

<http://www.canada.com/Under+pressure+from+feds+abandons+record+keeping+sales/6623958/story.html>

“Lost Canadians” is the name for a group of persons living in Canada who have been denied Canadian citizenship because they (1) were born prior to the post-World War II Canadian Citizenship Act, (2) were born outside Canada, (3) had one parent who was a Canadian citizen, and (4) had parents that were not married at the time of their birth. A researcher with the group located an immigration case on a microfilm from the Library and Archives Canada; in the 1948 case the immigration officer recommended that a child born in the U.S. to an unmarried Canadian man and his American partner be granted citizenship. The Lost Canadians are calling the memo a “game-changer.”

<http://www.canada.com/news/Overlooked+document+hold+Lost+Canadians+citizenship/6612190/story.html>

Alberta. A policeman in Calgary is accused of selling information from police files. The information includes names, addresses and phone numbers of at least ten people.

<http://www.vancouver.sun.com/news/Calgary+accused+giving+personal+info+cash+payoffs/6558840/story.html>

Germany. In 2008, Germany’s coalition government reached an “informal agreement” on the transfer of the Stasi files to the national archives in 2019, 30 years after the reunification of Germany. Now the new head of the Stasi Archives objects, wanting to keep the Stasi Archives as a separate institution. *Speigel Online* published a clear discussion of the issues at stake.

<http://www.spiegel.de/international/germany/stasi-agency-head-wants-office-to-remain-open-indefinitely-a-832312.html>

Guatemala. The Guatemalan government announced that all the staff of the Peace Archives will be fired as of June 29. The Peace Archives, established by the previous government as part of the national office of the Secretary of Peace, helped declassify and digitize military archives from the period of the internal armed conflict and provided expert testimony in several important human rights cases. The Secretary says that the digitized records may be transferred to the General Archives of Central America located in Guatemala City. For an excellent account of the issues around the Peace Archives, see Kate Doyle’s blog post

<http://nsarchive.wordpress.com/2012/06/01/guatemalan-government-closes-peace-archives/> For Guatemala press coverage by *Prensa Libre*, see http://www.prensalibre.com/noticias/Cierran-Archivo-Paz_0_710329014.html

Correction: The name of Fredy Peccerelli’s organization given in the April 2012 *HRWG News* was incorrect. The correct title is the “Forensic Anthropology Foundation of Guatemala.”

Kenya. The Anglican Church of Kenya hired an archivist to manage its holdings, which date back to 1844. In addition to the historic records, including information on Church membership,

the archives will hold the personal papers “of distinguished members” of the Church, *Anglican Communion News Service* reported.

<http://www.anglicancommunion.org/acns/digest/index.cfm/2012/5/8/Kenya-Appreciating-History>

Liberia. The President appointed the first Freedom of Information Commissioner, in accordance with the FOI legislation passed in 2010. The appointment must be confirmed by the Liberian Senate, *allAfrica* reported. <http://allafrica.com/stories/201205211447.html>

Macedonia. In a politically complicated case that brings together lustration procedures and legal processes, a retrial was ordered by the Macedonian court of appeals in the case of a former police employee in Macedonia who had been charged with altering police files that identified senior ethnic Albanian politicians as spies. According to *Balkan Insight*, photocopied files that the defendant gave to the country’s lustration committee named several high-ranking officials as former secret police informants. The defendant is accused of adding phony information and a photo of a party leader to the files. The prosecution has not produced the disputed files, and the court has said it must see them to determine whether a crime was committed.

<http://www.balkaninsight.com/en/article/re-trial-ordered-for-macedonian-spy-files-forger>

Mexico. El Centro de Derechos Humanos Miguel Agustín Pro Juárez (Centro Prodh) and Casa del Migrante de Saltillo published *Cuaderno sobre Secuestro de Migrantes (Notebook on Migrant Kidnappings)*. The report contains information obtained through testimonies of undocumented migrants that have stayed in the Casa. According to the publishers, the report “demonstrates that the Mexican state denies justice to the victims by claiming that the lack of formal complaints, as well as authorities’ inability to gather information and evidence, makes it impossible to investigate the kidnappings.” It is not clear whether these groups have archives or how the original testimonies will be preserved.

http://centroprodh.org.mx/index.php?option=com_content&view=article&id=549%3Apresentacion-del-cuaderno-sobre-secuestro-de-migrantes&catid=209%3Afront-ropstories&lang=es

Serbia. The Humanitarian Law Center published a brief report on human rights violations committed in Presevo, Medvedja and Bujanovac from the period of the NATO bombing to the granting of an amnesty to former soldiers of the Liberation Army of Presevo, Medvedja and Bujanovac. The report lists 13 killings by members of the Yugoslav Army and 4 „cases of abuse of ethnic Albanian farmers by members of the Yugoslav Army.“ All the cases are documented in the records of the Center. www.hlc-rdc.org

Sierra Leone. The Truth and Reconciliation Commission has a new website, providing the Commission’s final report, supporting data, and the texts of related laws. The records of the Commission, which in 2010 were stored in the National Archives, are not mentioned on the site. Thanks to the South African History Archive for the news of the website.

<http://www.sierraleonetr.com/>

South Sudan. *Reuters* published a piece about the new national archives of South Sudan, which is now housed in a “weather-beaten brown tent.” The records date back to the early 1900s when the area was under Anglo-Egyptian control and include “civil service files and official reports.”

Norway has promised to construct a National Archives building as an independence gift to South Sudan. <http://www.reuters.com/article/2012/05/24/us-southsudan-history-idUSBRE84N0OC20120524>

Tunisia. The report of Tunisia's fact-finding commission on the violations committed during the "Arab Spring" revolution was released. The official number of deaths is 338, and 2,147 people were wounded. The records of the commission are a crucial resource for understanding the events of the revolution. <http://www.tunisia-live.net/2012/05/05/fact-finding-commission-counts-338-deaths-and-2147-wounded-in-tunisian-revolution/>

United Kingdom. Data breaches continue to affect U.K. institutions. *Channel 4* conducted a year-long investigation into "private detectives accused of selling access to private information, including health, benefit and criminal records and mobile phone bill and bank accounts." *The Telegraph*, using the information uncovered by the television program, showed that "around 25 civil servants are being reprimanded each week at the Department of Work and Pensions for breaching rules governing its vast database." <http://www.telegraph.co.uk/news/uknews/law-and-order/9265732/Civil-servants-caught-looking-at-private-files-in-personal-data-breaches.html> Meanwhile, the U.K. privacy watchdog fined the London Borough of Barnet a mere 70 pounds after the local authority lost "extremely sensitive information about young children for the second time in two years," *The Register* reported. This loss occurred when a staff member took paper records and an encrypted computer home to work on and the person's house was burglarized and the bag containing both files and computer was stolen. http://www.theregister.co.uk/2012/05/17/ico_fines_barnet/

United States. Speaking of data breaches, Navigant, a consulting company, issued its report on all major U.S. data breaches disclosed publicly during the third and fourth quarters of 2011 (July 1, 2011 – December 31, 2011). The firm "evaluated major websites, blogs, government sources and news articles to compile a list of breaches that took place in the United States involving a minimum of 1,000 exposed or potentially exposed records" in any physical form. Navigant identified 56 major breaches in the third quarter and 62 major data breaches in the fourth quarter, for an 11% increase between reporting periods. The total number of individual records involved in the third quarter breaches was 1,022,166, while the fourth quarter saw 1,926,284 records breached, an 88% increase from quarter to quarter. <http://www.privacyandsecuritymatters.com/files/2012/05/Navigant.pdf>

The Civil Rights Division of the U.S. Justice Department took a significant policy position in a federal lawsuit when it informed the judge that it believes that citizens have a constitutional right to videotape actions of police officers in public places and that seizure or destruction of such recordings violates constitutional rights. For the statement, see http://www.wired.com/images_blogs/threatlevel/2012/05/united_states_letter_re_photography_5_14_2012_0.pdf; for an editorial on the importance of the statement, see http://www.nytimes.com/2012/05/21/opinion/the-right-to-record.html?_r=1

ABCNews filed a report on the Social Security Administration database known as the Master Death List that lists all deaths in the country. The List has been public since the 1970s under the Freedom of Information Act and reflects the usual U.S. position that privacy is a right only for

the living. The U. S. House of Representatives, concerned about identify theft through the use of information gleaned from the List, held hearings on proposals to limit access to it.

<http://abcnews.go.com/Politics/OTUS/loved-die-identity-taking/story?id=16304478#.T6pi9cVwx8E>

Two important archives relating to human rights become available for research use in May. Emory University in Atlanta, Georgia, opened 918 boxes of records of the Southern Christian Leadership Conference (SCLC), a major civil rights organization in the United States. The records cover primarily “the SCLC's activities and business from 1968 to 2007,” including “administrative files with correspondence, reports, memos, notebooks and meeting minutes, as well as photographs, flyers, and audio and video recordings.” The university purchased the SCLC records in 2008.

http://news.emory.edu/stories/2012/05/upress_sclc_archives_to_open/campus.html The Jacobus tenBroek Library at the National Federation of the Blind (NFB) Jernigan Institute in Baltimore, Maryland, opened the Isabelle Grant papers. The first blind person employed as a public school teacher in California and an early NFB leader, she “promoted the self-organization of the blind and the importance of schooling blind children with their sighted peers” and “traveled to the Middle East, Africa and Asia, where she helped the blind create their own organizations, worked for the creation of libraries for the blind, and advised educators of the blind.”

<http://archon.nfb.org/?p=collections/controlcard&id=8>

In response to a natural gas explosion that killed eight people in a San Francisco suburb in 2010 and the subsequent discovery that crucial maintenance records were missing or difficult to locate, the Federal government issued a new set of guidelines for maintaining records on pipeline safety.

<http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2012/05/07/national/a161013D84.DTL>

Massive amounts of data on U.S. forces killed and wounded in the Iraq and Afghanistan conflicts are maintained by the U.S. military. How the data can be used brings with it an important set of privacy issues, the *New York Times* reported.

<http://www.nytimes.com/2012/05/18/world/asia/catalog-of-wounded-in-afghan-war-could-be-model.html?pagewanted=all>

California. A man was charged with identity theft, check forgery and false impersonation, after he allegedly took shredded checks from a trash dumpster and pieced them together, thereby gaining the bank account numbers which he used.

<http://latimesblogs.latimes.com/lanow/2012/05/dumpster-diver-charged.html>

Showing that it is not always computer breaches that cause personal data to slip out of official control, the California office of In-Home Supportive Services, which provides support to elderly and disabled people, reported that personal records of some 700,000 caregivers and care recipients were lost when a package of microfiche was missing from a damaged package shipped by the U.S. Postal Service. <http://arstechnica.com/security/2012/05/ca-social-services-office-looses-hundreds-of-thousands-of-recordson-microfiche/>

District of Columbia. The Federal government filed a criminal case against a staff member of the Howard University Hospital, charging her with selling “to another person” health records,

including patient names, addresses, dates of birth and Medicare numbers.

<http://www.washingtontimes.com/news/2012/may/15/worker-accused-of-selling-health-records/>

Trash containers seemed to be a problem in the District as well as in California. Firefighters found “police officer and firefighter personnel records in burning trash bins, scattered on the ground or stashed in an abandoned car” at the fire department training academy, according to a story in the *Washington Post*. Apparently the police department sent the police documents to the site to be burned; the police department is investigating “whether any policies on document retention were broken.”

http://www.washingtonpost.com/local/dc-police-investigating-destruction-of-police-and-fire-personnel-records-found-in-dumpsters/2012/05/23/gJQAi7sekU_story.html

Kansas. And in yet another trash story, hundreds of files of patients of a former abortion provider that were found in a trash recycling bin plus other records still in the custody of the provider were transferred to the State Board of Healing Arts. The Board, reported the *Kansas City Star*, will keep the records “until it finds a permanent custodian or until they’re more than 10 years old and can be destroyed.” <http://www.kansascity.com/2012/05/02/3588512/kansas-gets-custody-of-abortion.html>

New York. The headline in the *New York Times* read, “With Records Gone, Odds of Finding Boy’s Remains Are Even Slimmer.” A boy vanished in 1979 in New York City, and now a man has confessed to killing him. The man says he put a box with the corpse into the trash. The city’s Sanitation Department said they “could not now go back and track the movement of trash from curb to landfill before 1989.” Police are trying to find the private trash company that also handled trash in that area, in the faint hope that if those records exist they “could help pinpoint where his remains might lie.” <http://www.nytimes.com/2012/05/30/nyregion/to-find-etan-patzs-body-huge-obstacles.html>

Publications. The South African History Archives has a new publication, *Transition’s Child*, with an accompanying CD, which the Archives says “includes a brief history of the Anti-Privatisation Forum, with substantive extracts from interviews with APF activists and leaders.” The materials reproduced in the publication, along with photographs, organizational reports and campaign materials of the APF, are part of the Archives. For a copy of the publication, email info@saha.org.za.

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

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

22 May 2012

Pablo de Greiff
Special Rapporteur on the Promotion of Truth, Justice, Reparation and
Guarantees of Non-recurrence
United Nations High Commissioner for Human Rights
Geneva, Switzerland

Dear Mr. de Greiff:

Congratulations on your appointment as the United Nations Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence.

The Human Rights Working Group of the International Council on Archives is pleased that a Special Rapporteur has been appointed to study and promote best practices on these important topics. The resolution establishing the Special Rapporteur specifically references the set of principles for the protection and promotion of human rights through action to combat impunity and the updated version of those principles (the “Joinet principles”). The Joinet principles point out the signal importance of archives in the fight against impunity, and their acceptance by United Nations Commission on Human Rights was the first time that the important linkage between records and impunity was recognized in a United Nations forum.

The International Council on Archives will be considering, at its quadrennial congress in August 2012, a statement of “Principles on Access to Archives.” The draft “Principles” includes a specific reference to the principles to combat impunity that inform your work. We hope that the “Principles” will be adopted and that they will provide one more tool to use in persuading countries and other organizations that they must preserve and provide access to the records necessary to protect and to assert human rights.

As you plan the scope of your work, we in the Working Group trust that you will include within it a review of the condition of the archives systems in the countries you visit. The members of the Human Rights Working Group are prepared to consult with you and provide any information and assistance you may request on archives, their principles and practices.

Once again, best wishes on your appointment. We look forward to working with you and following your progress.

Yours truly—

Trudy Huskamp Peterson
Chair, Human Rights Working Group
International Council on Archives