

*Le 11 juillet est la Journée internationale de la population, le 18 juillet est la Journée internationale Nelson Mandela, et la Journée internationale de l'amitié est le 30 juillet*

### Nouvelles de juin 2012

Rédigé par Trudy Huskamp Peterson, présidente, HRWG

Ce qui suit est le numéro trente et un 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 29 :

- 1. L'individu a des devoirs envers la communauté dans laquelle seule le libre et plein développement de sa personnalité est possible.*
- 2. Dans l'exercice de ses droits et dans la jouissance de ses libertés, chacun n'est soumis qu'aux limitations établies par la loi exclusivement en vue d'assurer la reconnaissance et le respect des droits et libertés d'autrui et afin de satisfaire aux justes exigences de la morale, de l'ordre public et du bien-être général dans une société démocratique.*
- 3. Ces droits et libertés ne pourront, en aucun cas, s'exercer contrairement aux buts et aux principes des Nations Unies.*

L'Article 29 déclare que les individus ont des devoirs et des responsabilités, de même que les droits accordés dans la Déclaration. A l'origine, il devait être le deuxième article de la Déclaration universelle, mais il a ensuite été transféré pour faire partie des trois articles du "fronton du temple", comme le délégué français René Cassin appelle les trois derniers articles. Le libellé de l'article 29 englobe les responsabilités de l'échelon local (la communauté) à l'échelon de l'international (des Nations Unies). L'article a été longuement débattu, mais en fin de compte l'Assemblée générale des Nations Unies l'a adopté à l'unanimité.

Les trois parties de l'article ont été rédigées et examinées séparément et ensuite combinées en un seul article. Le premier paragraphe met l'accent sur l'individu dans la société; le spécialiste de la DUDH, Johannes Morsink, déclare que le mot "seule" dans le paragraphe "pourrait bien être le mot seul le plus important dans l'ensemble du document, car il nous aide à répondre à l'accusation que les droits énoncés dans la Déclaration créent des individus égoïstes qui ne sont pas étroitement liés à leurs communautés respectives". Il faut également noter que les rédacteurs ont intentionnellement écrit que les personnes ont des devoirs envers *la communauté* et non des devoirs envers *l'État*, car, comme Charles Malik, le délégué du Liban, a déclaré, les gens en 1948

"n'avaient pas besoin de protection contre les rois ou les dictateurs, mais plutôt contre une nouvelle forme de tyrannie de l'Etat sur l'individu que la Commission [des droits de l'homme] a le devoir de protéger".(Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, pp. 239-252, citations p. 248 et 242). Le deuxième alinéa précise qu'il existe des limites à ces droits, et ces limites doivent être "déterminées par la loi", renforçant l'insistance mise sur l'importance de la règle de droit qui est rédigée dans le préambule de la Déclaration.

Suite à l'adoption de la Déclaration, les travaux ont commencé sur le Pacte international relatif aux droits civils et politiques et sur le Pacte international relatif aux droits économiques, sociaux et culturels, qui ont finalement été adoptés en 1966. Les deux Pactes incluent dans leurs préambules une référence aux droits, sur la base de l'article 29 (1): "Conscients que l'individu a des devoirs envers autrui et envers la collectivité à laquelle il appartient, il est sous sa responsabilité d'œuvrer pour la promotion et le respect des droits reconnus dans le présent Pacte." La fin de la guerre froide a vu un regain d'intérêt pour le concept des droits. La Déclaration des Nations Unies sur le droit au développement (1986) contient une référence à la responsabilité personnelle pour le développement (article 2) qui fait écho à l'article 29 de la DUDH, <http://www.un.org/documents/ga/res/41/a41r128.htm>, mais une déclaration complète des responsabilités ne vint en 1998, lorsque l'Assemblée générale des Nations Unies a adopté la Déclaration sur le droit et la responsabilité des individus, groupes et organes de la société de promouvoir et protéger les droits de l'homme et les libertés fondamentales universellement reconnus, <http://www2.ohchr.org/english/law/freedom.htm>.

Dans les années 1990, des groupes privés ont également exhorté à d'autres discussions sur les responsabilités. En 1997, le Conseil InterAction, un groupe d'hommes d'État internationaux, a publié un projet de déclaration des responsabilités humaines, demandant qu'il soit adopté pour compléter la DUDH lors de son 50e anniversaire en 1998, <http://interactioncouncil.org/universal-declaration-human-responsibilities>.

L'année suivante, un autre groupe de personnalités internationales, sous la présidence de Richard Goldstone d'Afrique du Sud, le premier procureur en chef des Tribunaux pénaux internationaux pour le Rwanda et l'ex-Yougoslavie, s'est réuni à Valence, en Espagne, et a rédigé une Déclaration des «Responsabilités individuelles aux termes du droit international des droits humains», qui a été présenté à l'UNESCO en 1999 (la « Déclaration de Valence » se trouve à <http://globalization.icaap.org/content/v2.2/declare.html>). Pour une excellente discussion sur le développement du concept des droits, voir la publication par le Conseil international pour l'étude des droits de l'homme, «Taking Duties Seriously: Individual Duties in International Human Rights Law, A Commentary», [http://www.ichrp.org/files/reports/10/103\\_report\\_en.pdf](http://www.ichrp.org/files/reports/10/103_report_en.pdf).

Parce que l'Article 29 met l'accent sur les devoirs de l'individu, les documents personnels des individus sont des ressources essentielles. Ainsi le sont aussi les archives des groupes communautaires, des organisations non-gouvernementales, et du système de protection sociale en général. Les documents des législateurs et des tribunaux nous aideront à comprendre les exigences de la règle de droit du deuxième alinéa, et les archives de la police et d'autres organismes d'application de la loi informeront les personnes chargées d'enquêter sur des questions de l'administration de l'ordre public en vertu de la règle de droit. Enfin, les archivistes ayant des responsabilités de la préservation des documents relatifs aux droits de l'homme, les

documents des archives et les organismes d'archives diront aux futurs chercheurs ce que nous pensions et comment nous avons mené ces tâches à bien.

## **Les nouvelles sont en anglais**

### **Human Rights Working Group news.**

The annual meeting of the Human Rights Working Group will be held at the ICA Congress in Brisbane, Australia, on Thursday, August 23, at 15:30 in room P4 of the conference center. Anyone with suggestions for the agenda, please send them to [archivesthp@aol.com](mailto:archivesthp@aol.com).

Also on Thursday, August 23, the 9:00 keynote is by Judge Baltazar Garzon Real on “Truth, Justice and Reparation,” followed by a panel discussion on “Public Rights to Information and to Privacy.” For the entire ICA program, which has a number of sessions on issues related to human rights, see [http://www.ica2012.com/files/data/program/Program-matrix\\_current\\_120622.pdf](http://www.ica2012.com/files/data/program/Program-matrix_current_120622.pdf)

### **International news.**

More than 500 representatives of tribal people from around the world met at the International Conference of Indigenous Archives, Libraries and Museums in Tulsa, Oklahoma, June 4-7. The keynote speaker, Walter Echo-Hawk, emphasized the role that archivists and librarians have: “You gather, preserve and make accessible the treasures of our tribes, the histories of our people and our geography. Your institutions preserve the role of indigenous peoples and our indigenous sovereignty.” He argued that the 2007 United Nations Declaration on Rights of Indigenous Peoples can be a “catalyst of change” but said that the first step is “self-education amongst ourselves and the larger society.”

[http://www.tulsaworld.com/news/article.aspx?subjectid=11&articleid=20120606\\_11\\_A11\\_CUTLIN684291](http://www.tulsaworld.com/news/article.aspx?subjectid=11&articleid=20120606_11_A11_CUTLIN684291)

Belarus/Poland/Russia. The controversies continue over the fate of thousands of Polish officers murdered in 1940 by the Soviet secret police. A Russian historian announced that she found in the Russian state military archives, in the records of the Soviet 15<sup>th</sup> military escort brigade stationed in Belarus in 1940, a list of 1,996 Polish prisoners taken from cities in what is now western Belarus. For years researchers have sought a list of the Polish military killed at Katyn forest in what is today Belarus, because lists of Polish officers killed in the Ukraine and in Russia have been located and researchers assume that a Belarus list must also exist. The director of the Department for Archives and Records Management of the Republic of Belarus “said there was not and could not be any such list,” while the Karta Centre in Warsaw said the list found by the Russian historian was not the sought-after “Belarusian list” but was instead a document the Centre had previously published that contains names of persons transported but not necessarily killed. <http://en.rian.ru/russia/20120621/174170180.html>;

<http://www.warsawvoice.pl/WVpage/pages/article.php/21270/news>; <http://freepl.info/2478-karta-centre-denies-last-findings-be-belarusian-list>

Democratic Republic of Congo/Rwanda. The UN Group of Experts on the Democratic Republic of the Congo submitted an interim report to the UN Sanctions Committee in May and followed it with an addendum in June concerning violations of the arms embargo and sanctions regime by the Government of Rwanda. The addendum notes that because of the seriousness of the violations alleged, the Group “adopted elevated methodological standards.” The Group interviewed over 80 deserters from armed groups including 31 Rwandan nationals, “photographed weapons and military equipment in arms caches and on the battlefield and has obtained official documents and intercepts of radio communications.” The records of the Group will become part of the UN Archives, once again demonstrating the importance of the records of international organizations. For the addendum to the official report, see [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2012/348/Add.1](http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/348/Add.1); for a discussion of it, see [http://turtlebay.foreignpolicy.com/posts/2012/06/26/exclusive\\_un\\_panel\\_says\\_rwanda\\_behind\\_congolese\\_mutiny](http://turtlebay.foreignpolicy.com/posts/2012/06/26/exclusive_un_panel_says_rwanda_behind_congolese_mutiny).

Finland/Kyrgyzstan. The extensive records created and received by the Independent International Commission of Inquiry on the events of June 2010 in the south of the Kyrgyz Republic work have been transferred to the National Archives of Finland. The riots killed some 500 persons and displaced another 400,000. The Commission’s investigators interviewed more than 750 persons and reviewed over 700 related documents and “many thousands of photographs and video extracts.” <http://www.cmi.fi/news/591-the-kyrgyzstan-inquiry-commission-material-preserved-by-the-finnish-national-archives.html>

Iraq/United States. Iraq’s Ministry of Tourism and Antiquities announced that it would prohibit further archeological work by U.S. teams “because Washington has not returned Iraq’s Jewish archives,” various media reported. A story in the *Times of Israel* said that officials of Iraq’s Ministry of Culture told Dubai-based news channel Al-Arabiya that the “United States has taken hold of 90 percent of Iraq’s national archives, and is refusing to return thousands of precious Jewish documents and manuscripts,” and called this “a cultural Guantanamo.” The article quoted Saad Eskandar, the national archivist of Iraq, who subsequently issued a statement saying that he had never met with or been interviewed by Al-Arabiya. By the end of the month, Iraq blocked an official visit to Babylon by staff of the World Monuments Fund, based in New York, to work with Iraqi colleagues on a proposal to list Babylon as a UNESCO World Heritage site. <http://www.timesofisrael.com/iraqi-government-to-the-united-states-return-our-torah-scrolls/>; <http://www.aknews.com/en/aknews/1/311633/>; <http://www.nowlebanon.com/NewsArticleDetails.aspx?ID=412798>; <http://dawn.com/2012/06/25/iraq-will-use-all-means-to-get-archaeological-archives-back-from-us/>; <http://www.therepublic.com/view/story/3723a87e78334b5481cd4641783ed067/ML-Iraq-Babylons-Curse>

Kyrgyzstan/Russia. *Radio Free Europe Radio Liberty* reported “at least five online videos documenting vicious assaults against what appear to be Kyrgyz women in Russia have emerged since March.” The Kyrgyz police have asked Russian authorities to launch a criminal case based

on one of the incidents; the videos are important evidence. <http://www.rferl.org/content/kyrgyz-migrant-women-brutally-assaulted-in-patriotic-videos/24599390.html>

Libya/NATO. According to a story in the *New York Times*, NATO gave the UN Mine Action Service in Libya the details of 313 possible sites of unexploded ordnance from NATO's military action against the Qaddafi government in 2011, the "first time a military force shared dud-specific locations for a campaign." However, the data did not include information about the types of unexploded weapons or the types of fuses used in each, which is "considered essential by ordnance-clearance teams" and is "routinely recorded by modern military forces via so-call bomb-build sheets, in which each component of a weapon is documents as a weapon is armed and prepared for an aircraft." [http://www.nytimes.com/2012/06/26/world/africa/nato-gives-un-list-of-unexploded-bomb-sites-in-libya.html?\\_r=1](http://www.nytimes.com/2012/06/26/world/africa/nato-gives-un-list-of-unexploded-bomb-sites-in-libya.html?_r=1)

Netherlands/Rwanda. The District Court in The Hague is trying Rwandan Yvonne Basebya on allegations that she "spurred Hutu militias to seek out and kill Tutsis in Kigali's suburb Gikondo," the *International Justice Tribune* reported. Among the evidence in the case, along with eyewitness accounts and phone taps, are files from the gacaca court that in 2009 sentenced Basebya to life for her role. <http://sites.rnw.nl/pdf/ijt/IJT154.pdf>

South East Europe. UNESCO held its 10<sup>th</sup> Summit of Heads of State of South East European Countries on the topic of "Religious, Cultural and Historical Heritage as a Foundation for More Intensive Cooperation among States." The declaration that resulted from the meeting, which unfortunately does not specifically mention archives, is found here: [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/BPI/EPA/images/media\\_services/Director-General/Mostar%20Declaration%203%20June%202012.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/BPI/EPA/images/media_services/Director-General/Mostar%20Declaration%203%20June%202012.pdf)

United States/Vietnam. During the Vietnam War, a U.S. Marine took a "thin maroon diary off the chest" of a dead Vietnamese soldier, and a member of the Vietnamese military took letters from the corpse of U.S. Army sergeant Steve Flaherty. In June the U.S. and Vietnam exchanged these documents, after the diary was featured on a television program, leading U.S. officials to obtain it for return to Vietnam. A Vietnamese colonel had kept the Flaherty letters, which had been used in Vietnamese broadcasts after they were seized. Both former military men wanted the materials returned to the respective families. [http://www.washingtonpost.com/world/asia\\_pacific/building-trust-through-exchange-of-tender-relics-from-a-painful-past/2012/06/04/gJQANXv5CV\\_story.html](http://www.washingtonpost.com/world/asia_pacific/building-trust-through-exchange-of-tender-relics-from-a-painful-past/2012/06/04/gJQANXv5CV_story.html)

### **National news.**

Argentina. In a feature article on the Grandmothers of the Plaza de Mayo, a group created in 1976 to find babies stolen by the state during Argentina's "dirty war," the *Washington Post* notes the importance of the group's "stacks of archives" and its work in helping create a national DNA database to "match stolen babies with the biological families." 105 of the 500 babies born to political prisoners during the seven-year dictatorship that ended in 1983 have been identified, but nearly 400 have not. [http://www.washingtonpost.com/world/argentine-grandmothers-running-out-of-time-in-search-for-missing/2012/06/03/gJQAqzr6CV\\_story.html](http://www.washingtonpost.com/world/argentine-grandmothers-running-out-of-time-in-search-for-missing/2012/06/03/gJQAqzr6CV_story.html)

Australia. Queensland Health is investigating how a number of highly sensitive medical documents were left lying in the street in Rockhampton, *The Morning Bulletin* reported. <http://www.themorningbulletin.com.au/story/2012/06/09/sensitive-documents-left-lying-on-the-road/>

Bosnia. The International Commission on Missing Persons met with Bosnian government officials to discuss the ICMP's impending closure in Bosnia. An estimated 30,000 people disappeared during the 1991-1995 war in Bosnia, *Balkan Transitional Justice Daily* reported, and about 10,000 remain missing. ICMP has a database of relatives of missing people and "more than 36,000 bone samples have been taken from the remains exhumed from clandestine graves in the countries of the former Yugoslavia." It is not clear where the ICMP archives are or where the database will be maintained. [http://www.balkaninsight.com/en/article/icmp-finished-70-percent-identification-in-bosnia?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=db6793ab8f-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email](http://www.balkaninsight.com/en/article/icmp-finished-70-percent-identification-in-bosnia?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=db6793ab8f-RSS_EMAIL_CAMPAIGN&utm_medium=email)

China. *The Wall Street Journal* reported that since April 20 China's Public Security Bureau has had a nationwide campaign against "investigations companies," that is, those who researched official data to determine who had interest in private companies, among other topics. The *People's Daily* said that the campaign, which has detained more than 1900 people, "was aimed at protecting people's privacy." <http://blogs.wsj.com/chinarealtime/2012/06/07/chinas-plugging-of-corporate-information-sieve-why-it-matters/>

India. Many stories this month concerned archives in India. A positive story reported that the first museum of Indian business history is opening at the Indian Institute of Management in Kozhikode. The museum includes a wall where India's 100-year-old companies each get "100-300 square feet to share its heritage," *Business-standard.com* reported. The Godrej Group (a conglomerate) is participating, and its archivist is quoted as saying it will add "audio-visual, facsimile of documents and other such interesting materials" to its current display. The Museum's "convenor" said the Museum is "hopeful of more business houses and institutions setting up their pavilions [within the Museum] as well as sharing their historical collections, artifacts and documents." He said he has written to 600 organizations and has secured promises of participation from the Reserve Bank of India and the Indian Space Research Organization. <http://www.business-standard.com/india/news/roots-tofuture/476759/>

The bad news was fire. A huge blaze gutted 18 state government offices at Mantralaya in Mumbai and destroyed "thousands" of documents and nearly 2000 computers storing government files. Some of the information, including digital copies of paper documents, was on backup servers not affected by the fire, but some documents were entirely lost. Citizens were asked to resubmit documents believed destroyed, including land-related documents for various development projects. A "senior official from the forest department" was quoted by *indianexpress.com* as saying "files belonging to revenue, urban development, cooperation and marketing, finance, power, school education, forest and tribal welfare" as well as hard copies of files relating to land issues and forests were gutted.



<http://www.indianexpress.com/news/collectorate-asks-citizens-to-resubmit-documents-destroyed-in-fire/966073/>

[http://articles.timesofindia.indiatimes.com/2012-06-23/india/32381434\\_1\\_fire-department-mantralaya-data-centre](http://articles.timesofindia.indiatimes.com/2012-06-23/india/32381434_1_fire-department-mantralaya-data-centre)

<http://www.indianexpress.com/news/important-files-scanned-no-data-loss-ud-dept/965687/>

<http://www.hindustantimes.com/India-news/Mumbai/Thousands-of-documents-burnt-but-all-s-not-lost/Article1-877417.aspx>

Later in the month, a fire broke out in the Union home ministry, destroying documents, and another fire in June burned documents in the finance ministry.

[http://articles.economictimes.indiatimes.com/2012-06-26/news/32424976\\_1\\_basix-red-tape-paper-files](http://articles.economictimes.indiatimes.com/2012-06-26/news/32424976_1_basix-red-tape-paper-files)

Indonesia. *Papua.* The Institute for Human Rights Study and Advocacy (ELSHAM) and the International Center for Transitional Justice released a report, “The Past That Has Not Passed: Human Rights Violations in Papua Before and After *Reformasi*.” Again demonstrating the importance of the archives of non-governmental organizations in preserving evidence of human rights violations, the report says it is based on interviews with “more than 120 victims and witnesses” of which “108 interviews were transcribed, coded, and entered into a simple database.” <http://www.ictj.org/sites/default/files/ICTJ-ELSHAM-Indonesia-Papua-2012-English.pdf>

Macedonia. Macedonia passed a new lustration law, replacing one that the Constitutional Court had struck down. According to *Balkan Transitional Justice Daily*, “a key component of the new law is that it allows the police dossiers of former informants to be posted on the Internet.” The law covers the period from 1945 to 2006. By the end of the month, a lawsuit had been brought against the parliamentarians who passed the new law by human rights activists who believe the new law still does not meet the constitutional test; the Court ruled that it was unconstitutional to oblige people from a wide range of professions—including clergy, journalists, NGO activists and others—to swear that they had not collaborated with the secret police, but the new law still provides for lustration of journalists and NGO activists.

[http://www.balkaninsight.com/en/article/macedonian-scraps-lustration-for-random-informants?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=ecbcd9ea3f-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email](http://www.balkaninsight.com/en/article/macedonian-scraps-lustration-for-random-informants?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=ecbcd9ea3f-RSS_EMAIL_CAMPAIGN&utm_medium=email);

[http://www.balkaninsight.com/en/article/macedonia-passes-new-lustration-law?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=144252f90c-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email](http://www.balkaninsight.com/en/article/macedonia-passes-new-lustration-law?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=144252f90c-RSS_EMAIL_CAMPAIGN&utm_medium=email);

[http://www.balkaninsight.com/en/article/macedonian-ruling-majority-sued-over-lustration-law?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=a84088e6a1-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email](http://www.balkaninsight.com/en/article/macedonian-ruling-majority-sued-over-lustration-law?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=a84088e6a1-RSS_EMAIL_CAMPAIGN&utm_medium=email)

Serbia. *Balkan Transitional Justice Daily* published a series of articles on Serbia.

In an important change affecting recordkeeping, Serbia is introducing bailiffs and public notaries. The notaries will have authority “to certify contracts, constitute and maintain wills and prenuptial agreements and deal with certain simple legal procedures. They will also guarantee the accuracy of all court data.” Presumably the notaries, as public officials, will be required to turn their records over to local or national archives.

[http://www.balkaninsight.com/en/article/serbia-gets-its-first-bailiffs-and-notaries?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=f44effbd1-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email](http://www.balkaninsight.com/en/article/serbia-gets-its-first-bailiffs-and-notaries?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=f44effbd1-RSS_EMAIL_CAMPAIGN&utm_medium=email)

Seven associations of families of missing persons formed a coalition on missing persons. Among their initial actions, they urged the Serbian government “to establish a unique electronic database of people who have Serbian citizenship and who went missing during the conflicts in Bosnia, Croatia, and Kosovo.”

[http://www.balkaninsight.com/en/article/serbia-forms-association-for-missing-persons?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=5475f862a9-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email](http://www.balkaninsight.com/en/article/serbia-forms-association-for-missing-persons?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=5475f862a9-RSS_EMAIL_CAMPAIGN&utm_medium=email)

The Serbian government announced that they will grant reparation payments to 15 survivors of Goli Otok, a political prison from the 1949 to the end of the communist regime. An estimated 200 former prisoners are believed to live in Serbia and 155 cases are pending. Each former prisoner will receive 7 Euros for each day spent in the prison, which means that the prison records are crucial for calculating payments.

[http://www.balkaninsight.com/en/article/reparations-for-communist-prison-survivors?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=a5e691d163-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email](http://www.balkaninsight.com/en/article/reparations-for-communist-prison-survivors?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=a5e691d163-RSS_EMAIL_CAMPAIGN&utm_medium=email)

Serbia’s Chief Prosecutor for War Crimes announced that he is investigating journalists suspected of encouraging war crimes during the Balkan wars. The records of state television and radio and print media will be vital sources and would have to be obtained from the Serbian Broadcasting Corporation. However, the state radio and television building was hit by an air strike on April 23, 1999, during the Kosovo phase of the war and was partially burned in riots on October 5, 2000. Consequently, it is not clear how much of the official broadcast copies exist; copies of some Serbian television news broadcasts from the period August 1, 1996, to December 31, 1999, are preserved in the Open Society Archives in Budapest, Hungary.

[http://www.balkaninsight.com/en/article/media-investigated-for-war-crimes?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter&utm\\_campaign=04fa68280a-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email](http://www.balkaninsight.com/en/article/media-investigated-for-war-crimes?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=04fa68280a-RSS_EMAIL_CAMPAIGN&utm_medium=email)

South Africa. In an opinion piece published in the *Mail & Guardian Online*, British professor Shula Marks makes a compelling case for improvements in and greater support for archives in South Africa. She wrote, “[I]n the modern state we depend on written records for our human rights at the most basic level.” As part of the essay, she points out that the administrative charges brought against the national archivist and one of his senior staff have been rejected by the labour tribunal arbitrator who has ordered the archivists’ full reinstatement, but the government has not yet complied. <http://mg.co.za/article/2012-06-28-do-not-let-our-archives-turn-to-dust>

Syria. The *New York Times* reported on Syria’s arrest of “tens of thousands” in an effort to stamp out the uprising. Indirectly emphasizing the importance of records for police work even in a time of war, a Damascus lawyer told the reporter about the current operation of Syria’s law that says a suspect can be detained only for eight days without a warrant: “I saw it with my eyes, warrants that were signed, stamped, empty, and security men come with a list of names, and they



say, 'Put these names.' Many of us saw this."

[http://www.nytimes.com/2012/06/28/world/middleeast/beyond-arms-syria-uses-arrests-against-uprising.html?\\_r=1&pagewanted=all](http://www.nytimes.com/2012/06/28/world/middleeast/beyond-arms-syria-uses-arrests-against-uprising.html?_r=1&pagewanted=all)

Tunisia. The headline read "Director of Tunisia's National Archives: 'We Need Action' on Transitional Justice," accompanied by a picture of damaged pages. The national archivist confirmed that "much of the archives" of the ATCE [the ministry charged with targeting propaganda to foreign media] were "largely destroyed shortly after the revolution" and the "files of certain municipalities and local police bureaus, as well as most regional branches of the RCD, Ben Ali's ruling party, have also disappeared."

<http://www.tunisia-live.net/2012/06/09/director-of-tunisia-national-archives-we-need-action-on-transitional-justice/>

United Kingdom. Since 2004, police forces in the U.K. have been allowed to take the DNA or fingerprints of anyone aged over 10 arrested for a "recordable offense" and maintain the records in a national database. In 2008 the European Court of Human Rights ruled that keeping the records indefinitely is unlawful, and the current government promised to revise the policy and the recently passed Protection of Freedoms Act modifies it. The modifications include anonymizing the records rather than deleting them completely and allowing information on innocent people to be kept if in the interests of "national security." According to *The Telegraph*, the NGO Big Brother Watch used the Freedom of Information Act to learn that nearly a million samples were gathered between January 2009 and December 2011 and about 1 in 6 of these "are thought to have been cleared or never charged with any offence" and "just three forces appear to be able to distinguish the records of the innocent and guilty." The newspaper reports that it is estimated to cost up to £8m to go through the whole database and anonymize the records; a Home Office spokesman said, "DNA profiles of people not charged with an offence will no longer be retained. Those charged with a serious sexual or violent offence will be retained for three years and in special cases can be extended by two years with the approval of a magistrates' court." <http://www.telegraph.co.uk/news/uknews/law-and-order/9310728/DNA-of-thousands-of-innocent-people-still-being-collected-by-police.html>

Northern Ireland. The U.K. Information Commissioner's Office fined the Belfast Health and Social Care Trust £225k for leaving 100,000 patient and 15,000 staff files in boxes, cabinets, shelves and the floor of a hospital closed since 2006, *The Register* reported.

[http://www.theregister.co.uk/2012/06/19/nhs\\_belfast\\_trust\\_ico\\_fine/](http://www.theregister.co.uk/2012/06/19/nhs_belfast_trust_ico_fine/)

United States. The Justice Department announced it would "re-examine the circumstances surrounding dozens of deaths that occurred on or near the Pine Ridge Indian Reservation, many dating back to the 1970s when the reservation was embroiled in political violence," the *New York Times* and many other media reported. Prosecutors have begun "assembling case files, death certificates and other documents." The examiners will require at minimum the records of the Federal Bureau of Investigation, the Department of Justice's office of the U.S. Attorneys, the Bureau of Indian Affairs, and some military units, as well as records of the State of North Dakota where the reservation is located. Pine Ridge was the site of an infamous 71-day standoff in 1973 between tribal leaders and federal troops. <http://www.nytimes.com/2012/06/20/us/new-inquiry-of-deaths-on-reservation-in-the-1970s.html>

The U.S. Supreme Court underlined the importance of archives in a recent case. The issue was whether it was a crime for a person to claim falsely that he or she had won a military honor. The Court said that the claim was protected by free speech; furthermore, wrote the Court, “The government could likely protect the integrity of the military awards system by creating a database of medal winners accessible and searchable on the Internet, as some private individuals have already done. Were a database accessible through the Internet, it would be easy to verify and expose false claims.” <http://atwar.blogs.nytimes.com/2012/06/28/veterans-database-of-medals-cited-as-alternative-to-stolen-valor/>

Public health officials report that electronic medical records are helping them quickly spot and combat outbreaks of epidemics in a way that paper records never could. <http://www.nytimes.com/2012/06/19/health/states-using-electronic-medical-records-to-track-epidemics.html>

The Federal Trade Commission sued Wyndham Worldwide hotels for their failure “to maintain reasonable security measures” over their customer information systems. The lapses allowed “hackers to steal credit card and other personal information from more than 600,000 customers” which resulted in “at least” \$10.6 million in “fraudulent charges.” The Wyndham chain includes Ramada, Days Inn and Travelodge, among other hotels. <http://www.nytimes.com/2012/06/27/business/ftc-charges-wyndham-worldwide-over-data-breaches.html>

*District of Columbia.* The NGO Human Rights Watch said that “after researching cases dating as far back as 2006, it intended to publish a study criticizing the way D.C. police deal with reports of sexual assault involving adults” and said that the number of sexual assaults documented in the records at the Washington hospital center “was far higher than the number investigated by police, suggesting that detectives were quick to dismiss many reports as untrue.” In response the District’s police chief asked the U.S. Justice Department to review the findings, and she also agreed “to make additional department files covering sex assault cases available” to Human Rights Watch. [http://www.washingtonpost.com/local/crime/2012/06/14/gJQALzQcdV\\_story.html](http://www.washingtonpost.com/local/crime/2012/06/14/gJQALzQcdV_story.html)

*Maine.* The first State-level truth commission in the United States is underway. The State of Maine and five Wabanaki tribal communities formed the Truth and Reconciliation Commission to investigate what happened to Wabanaki people involved with the Maine child welfare system. In the late 1800s the United States government established boarding schools for Native American children who were removed from their families, and in the 1950s the U.S. sponsored a program to have Native American children adopted by non-native families. The national Indian Child Welfare Act, passed in 1978, set standards for protection of the rights of native children, their families and their tribal communities, and one of the goals of the Commission is to look at the implementation of the Act in Maine and make suggestions on how the State can work better with the Wabanaki people. Other goals are to find out what happened, to document it, and give the Wabanaki people a place to share their stories. <http://www.wabi.tv/news/31396/tribal-leaders-state-officials-form-commission-to-prevent-child-abuse>; for the official website of the Commission, see: <http://www.mainetribaltrc.org/>

*North Carolina.* North Carolina sterilized an estimated 7600 men and women between 1929 and 1974 when “social workers, country health departments and eventually a state board deemed them too poor, mentally disabled or otherwise unfit to raise children.” In 2010 the State established a Justice for Sterilization Victims Foundation, and a bill was introduced in the State legislature to compensate people who were sterilized. The *New York Times* reported that despite backing from the governor and the lower house of the State legislature, the State Senate did not include the payment in the budget and the State announced it would close the Foundation. The Foundation’s executive director said she would “try to persuade people to share their medical and family histories so their cases could be verified by state archivists and lawmakers and the public might be moved by their stories.” <http://www.nytimes.com/2012/06/21/us/north-carolina-eugenics-compensation-program-shelved.html>; for the website of the Foundation, see <http://www.sterilizationvictims.nc.gov/>

*Oregon.* The Oregon Supreme Court ruled that the files maintained by the Boy Scouts of America “detailing accusations and investigations of sexual abuse or other improprieties by Boy Scout leaders around the nation from the mid-1960s to the 1980s” had to be disclosed to the public in accordance with the open records provision of the Oregon Constitution “but with the names of possible victims and people who had reported accusations redacted.” <http://www.nytimes.com/2012/06/15/us/court-approves-release-of-boy-scouts-perversion-files.html>

Also in Oregon, a hacker gained access to the Eugene, Oregon, school district’s electronic records on all 16,000 current students plus information on all students who since 2007 have been eligible for free and reduced-price lunches. According to *The Register-Guard*, although the district stopped asking for student Social Security numbers in 2006, nearly 6500 of the records breached had the Social Security numbers of students who had begun their education before that date. The school district asked the State for permission to delete the Social Security numbers but was told that under the State records law the school district cannot destroy the records (in Oregon student records are kept for 75 years). A 2010 report by the U.S. Social Security Administration found that children’s Social Security numbers “have become a specific target of identity thieves because they have clean credit histories and it can be years before their misuse is detected.” <http://www.registerguard.com/web/newslocalnews/28274296-41/security-district-records-numbers-social.html.csp>

### **Publications.**

The papers from the Malaga, Spain, 2011 International Seminar on Human Rights and Archives are now online at the e-publication *Arch-e. Revista Andaluza de Archivos* N° 5 - 6 09/06/2012 [http://www.juntadeandalucia.es/cultura/archivos/web\\_es/Presentacion?id=8d230f64-b15f-11e1-b874-000ae4865a5f](http://www.juntadeandalucia.es/cultura/archivos/web_es/Presentacion?id=8d230f64-b15f-11e1-b874-000ae4865a5f)

The Network of Concerned Historians released its *Annual Report 2012*, covering events relating to “the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists and archaeologists around the globe, as

reported by various human rights organizations and other sources.” The report is compiled by Antoon De Baets. [http://www.concernedhistorians.org/content\\_files/file/AR/12.docx.pdf](http://www.concernedhistorians.org/content_files/file/AR/12.docx.pdf)

The *International Justice Tribune*, which began in 2004, is the only periodical offering specialized journalistic coverage of international justice throughout the world. Since 2009 the *Tribune* has been sponsored by Radio Netherlands Worldwide, but at the end of June the Radio’s budget was cut and it decided to stop supporting the *Tribune*. This HRWG newsletter has regularly pointed to stories in the *Tribune* (see, for instance, the Netherlands/Rwanda item above) and the loss of the *Tribune* would eliminate an important source of information. Anyone wishing to support the *Tribune* as it seeks to find alternate funding can sign a petition at <http://www.rnw.nl/international-justice/article/petition-international-justice-tribune>

**Please share news with us! [trudy@trudypeterson.com](mailto:trudy@trudypeterson.com) or [j.boel@UNESCO.org](mailto: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.**