

# HRWG ica

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

*March 8 is International Women's Day, March 21 is the International Day for the Elimination of Racial Discrimination and the World Down Syndrome Day, March 22 is World Water Day, March 24 is World Tuberculosis Day and the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims, March 25 is International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade and the International Day of Solidarity with Detained and Missing Staff Members*

## News of February 2012

Compiled by Trudy Huskamp Peterson, Chair, HRWG

The following is number twenty-seven in a series of brief discussions of the Articles of the Universal Declaration of Human Rights (UDHR) and the archival holdings that relate to them.

**Universal Declaration of Human Rights, Article 25.** *(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.*

By the time the delegates were considering the second paragraph of Article 25, they had already debated Article 1's first sentence, which reads, in its final form, "All human beings are born free and equal in dignity and rights," and Article 2, which prohibits discrimination based on, among other things, "birth." Why then did they need to state that children "born in or out of wedlock" were equal? And if "everyone" had a right to "necessary social services" in paragraph 1 of Article 25, why did the drafters need to explain that mothers and children needed "special care and assistance": wasn't that already covered by "necessary"?

Part of the answer to the question of "special care" is that the newly-adopted 1948 American Declaration on the Rights and Duties of Man said in its Article 7, "All women, during pregnancy and the nursing period, and all children have the right to special protection, care and aid." Part of the answer also comes from the constitutions of various states that explicitly called for protection of women and children, including France (whose delegate wrote the first version of the "special care" sentence), Brazil, Belgium, Cuba, Nicaragua, Panama and the USSR. Furthermore, the chairman of the new United Nations International Children's Emergency Fund was calling attention to the needs of children and the "abnormally high level" of infant mortality

in the twelve European countries where UNICEF was working. All these encouraged the delegates to include a separate paragraph. The Danish delegate, who was also represented the United Nations Commission on the Status of Women (established in 1946) on the UDHR drafting group, inserted the word “motherhood” instead of “mothers” to make sure the sentence would, in her words, “cover the prenatal state.”

The second sentence, on children born out of wedlock, seems to have been added on the initiative of the Yugoslav and Norwegian delegations, but it reflected urgent post-war problems. A recent law review article on inheritance rights of children born outside wedlock notes that during World War II “large numbers of servicemen fathered children while stationed in Europe and returned home unaware of the related pregnancy or birth,” leading to “illegitimacy being a common interest among European Nations.”

([http://www.jerseylaw.je/Publications/jerseylawreview/june10/JLR1006\\_Cooper.aspx](http://www.jerseylaw.je/Publications/jerseylawreview/june10/JLR1006_Cooper.aspx)) Also, the drafters must have seen the sad images of orphaned children in displaced persons camps all over Europe, sometimes so young or so traumatized that they were unable to say who they were. Given these pressing contemporary concerns, when the United Nations General Assembly finally voted on the Declaration, Article 25 passed unanimously. (Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*, pp. 257-258.)

Many subsequent international agreements and declarations amplified the provisions of Article 25’s second paragraph. In 1959 the UN General Assembly adopted the Declaration of the Rights of the Child, which was followed 30 years later by the International Convention on the Rights of the Child. The 1979 Convention on the Elimination of All Forms of Discrimination against Women specified (Article 4) that special protection for maternity is not gender discrimination and that there is a need for special maternal health care (Article 12), which in turn was elaborated in 1999 in “General Recommendation 24 Women and Health” published by the United Nations High Commissioner for Human Rights.

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/77bae3190a903f8d80256785005599ff?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/77bae3190a903f8d80256785005599ff?Opendocument) The rights of children born out of wedlock were the focus of a 1967 statement by the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities that emphasized the importance of equal treatment for children born either in or out of wedlock. This was followed by the 1975 European Convention on the Legal Status of Children Born out of Wedlock, which now is in force in 21 European countries.

<http://conventions.coe.int/treaty/en/Treaties/Html/085.htm> And the United Nations Millennium Development Goals, adopted in 2000 to be reached by 2015, have as Goal 4 reducing by two-thirds the under-5 year old mortality rate and as Goal 5 reducing the maternal mortality rate by three-fourths and achieving universal access to reproductive health services.

The records of medical facilities, social services institutions, courts and legislatures are vital to protect and assert the rights under Article 25’s paragraph 2. Here are two examples: (1) Last May a task force in the U.S. State of North Carolina that is considering reparations for victims of the state’s sterilization program that operated between 1933 and the mid-1970s reviewed copies of the “original case files and minutes from old Eugenics Board meetings that are kept in the state archives.” <http://www.jdnews.com/news/finding-91459-raleigh-sterilization.html> (2) In February 2012, the Czech government’s human rights council recommended paying compensation to women who were “improperly sterilized” between 1971 and 1991, Czech news

media reported, surely foreshadowing a major search of archives to determine the numbers of women eligible for compensation. It is clear that archivists have a crucial duty to protect the records related to the social well-being of mothers and children. The International Standards Organisation in 2010 issued a set of guidelines and a technical specification document on “Health informatics – Security requirements for archiving of electronic health records,” which are fundamental reading for everyone managing health records. As the 19th century former slave and great educator Frederick Douglass said, “It is easier to build strong children than to repair broken men.” Archivists have a role to play in both building and repairing.

### **International news.**

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

United Nations. The United Nations Archives holds the records of the United Nations War Crimes Commission, which was established in 1943 by 17 allied nations to investigate alleged war crimes, identify alleged perpetrators, and report their findings to the allies. Currently a researcher gains access to the records (400 boxes of original paper documents, which have been microfilmed onto 184 reels) only by applying to his government which in turn endorses the application and sends it to the United Nations. Now a group of researchers have asked U.N. Secretary-General Ban Ki-Moon to “take the necessary steps to ensure full public access to all the records,” the *Associated Press* reported. [http://www.google.com/hostednews/ap/article/ALeqM5gqdRxqI9AcL0okH5N-w87fff\\_VSw?docId=10bb01e558cd4f6898935eac0035620e](http://www.google.com/hostednews/ap/article/ALeqM5gqdRxqI9AcL0okH5N-w87fff_VSw?docId=10bb01e558cd4f6898935eac0035620e)

Europe. In a draft regulation dated November 2011 but made public in late January 2012, the European Commission proposes to create a “right to be forgotten.” The implications for access to archives do not appear to have been thoroughly explored, although Article 15 provides an option to retain personal data “for historical, statistical and scientific research purposes in accordance with Article 83.” For the draft see <http://epic.org/privacy/intl/EU-Privacy-Regulation-29-11-2011.pdf>; among many press reports on the proposed data protection regulation and its complicated relationship to the ways in which Internet companies handle personal data, see the *New York Times*’ “Should Personal Data be Personal?” and the *Stanford Law Review*’s “The Right to Be Forgotten.” [http://www.nytimes.com/2012/02/05/sunday-review/europe-moves-to-protect-online-privacy.html?\\_r=1](http://www.nytimes.com/2012/02/05/sunday-review/europe-moves-to-protect-online-privacy.html?_r=1); <http://www.stanfordlawreview.org/online/privacy-paradox/right-to-be-forgotten>.

Argentina/Germany/Israel. To mark the 50<sup>th</sup> anniversary of the trial and execution of Adolf Eichmann, one of the key Nazi organizers of the Holocaust during World War II, Israel's secret service, Mossad, exhibited its documents on its capture of Eichmann in Argentina, including

“hand written notes used during the operation,” reported CBS.

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

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

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

[http://www.jewishtimes.com/index.php/jewishtimes/news/jt/local\\_news/state\\_archivist\\_snfc\\_archives\\_might\\_not\\_be\\_enough/29884](http://www.jewishtimes.com/index.php/jewishtimes/news/jt/local_news/state_archivist_snfc_archives_might_not_be_enough/29884)

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

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

### **National news.**

Australia. The ombudsman for the State of Victoria presented his findings to the Legislative Council and Legislative Assembly on “the storage and management of ward records by the Department of Human Services.” The report sharply criticized the records practices of the Department and noted the great importance of the records, writing, “The consequences of records being scarce or unavailable may often be severe, resulting in the inability to access important information (such as genetic health conditions and family background), and greatly reduced opportunity to seek redress for the harm and abuses of the past.” For the report, see [http://www.ombudsman.vic.gov.au/resources/documents/REPORT\\_Investigation\\_into\\_the\\_storage\\_and\\_management\\_of\\_ward\\_records\\_by\\_DHS\\_-\\_Mar\\_2012.pdf](http://www.ombudsman.vic.gov.au/resources/documents/REPORT_Investigation_into_the_storage_and_management_of_ward_records_by_DHS_-_Mar_2012.pdf); for sample press reports, see <http://www.abc.net.au/pm/content/2012/s3443671.htm> and <http://idm.net.au/article/008895-report-blasts-victorian-record-keeping-quagmire>

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

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

A researcher discovered in the personal papers of a French diplomat who was the governor of Santo Domingo (today Haiti) in the 18<sup>th</sup> century a list of names of Acadians who were living on Canada's Prince Edward Island in 1763. A copy of the list has now been sent to the University of Moncton, whose archivist believes it is a list of Acadians held prisoner by the British at Fort Amherst. The list is unusual because it gives the names of both husbands and wives and the number of children they had. <http://www.cbc.ca/news/canada/new-brunswick/story/2012/01/31/nb-acadian-list-pei.html>

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

Czech Republic. The Czech government's human rights council proposed paying compensation to women who were involuntarily sterilized in the 1970s and 1980s, reported *Transitions Online*, quoting several Czech news sources. Identifying the women will require a concerted search of relevant archives. [http://www.tol.org/client/article/23009-abkhaz-leader-survives-ambush-poland-makes-u-turn-on-acta.html?utm\\_source=TOL+mailing+list&utm\\_campaign=9126ad3361-TOL\\_newsletter2\\_24\\_2012&utm\\_medium=email](http://www.tol.org/client/article/23009-abkhaz-leader-survives-ambush-poland-makes-u-turn-on-acta.html?utm_source=TOL+mailing+list&utm_campaign=9126ad3361-TOL_newsletter2_24_2012&utm_medium=email)

El Salvador. On the twentieth anniversary of the signing of the peace accord ending the civil war in El Salvador, the International Center for Transitional Justice published an interview with Carlos Dada, the editor of the digital newspaper *El Faro*. Dada and his newspaper continue to investigate events during the war; asked about the main difficulties encountered by the

investigations, he said the first is the unpopularity of talking about the war, and, “Second, there is lack of documentation. In El Salvador the records are all either destroyed or hidden, so in many cases we’re obliged to resort to examining declassified documents, particularly in the United States, and in some cases in Europe.” For the interview transcript (English) and a podcast in Spanish, see [http://ictj.org/news/el-salvador-journalists-do-not-give-past?utm\\_source=International+Center+for+Transitional+Justice+Newsletter&utm\\_campaign=463e8c6a02-ICTJ In Focus Issue 15 Feb 2012&utm\\_medium=email](http://ictj.org/news/el-salvador-journalists-do-not-give-past?utm_source=International+Center+for+Transitional+Justice+Newsletter&utm_campaign=463e8c6a02-ICTJ+In+Focus+Issue+15+Feb+2012&utm_medium=email)

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

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

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

Iraq. In an article posted on *jadaliyya.com*, Sinan Antoon calls for the return of Iraqi documents taken during the war and now held in the United States, both those in the custody of the U.S. government and those in the Hoover Institution. [http://www.jadaliyya.com/pages/index/4439/plundering-the-past\\_scholarly-treasures](http://www.jadaliyya.com/pages/index/4439/plundering-the-past_scholarly-treasures)

Scheherazade Hassan, in an article published in *Cahiers d’Ethnomusicologie* 24: 189-202, 2011, reported on the fire that destroyed the Centre for Traditional Music and its archives. During the invasion, she writes, staff members of the Centre and the Ministry of Culture and Information “rushed to the Centre to put tapes and musical instruments in the available cotton bags and containers and to drop them at the House of Maqam (Bayt al-Maqam) . . . the evacuation of the Centre’s archive could not continue under the force of the strikes, which caused fires and finally the collapse of the ceiling at the Centre, which fell and crushed all remaining contents. That was how the bulk of the archive, including all manuscripts and books, administrative records, photo archive, and the valuable collection of Nadhum al Ghazali all perished.” <https://lists.uchicago.edu/web/arc/iraqcrisis/2012-02/msg00004.html>

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

evidence in both national and international custody will be crucial to the cases.

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

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

Lithuania. The Lithuanian government released the names of 238 citizens who were reservists for the KGB when Lithuania was a constituent state of the Soviet Union. The Associated Press reported that the Genocide and Resistance Research Center’s director said that “thousands of KGB files would be released in the near future.” In 1999 Lithuania passed a law giving all ex-KGB agents and informers six months to file confessions with a lustration commission in exchange for keeping their names confidential; in January 2012 the head of the commission gave an interview to *Ukrainian Week* in which he explained, “If the commission obtains information from archives that any certain person was in the KGB but failed to admit it, he will be banned from working in government agencies or education institutions.” The commission has had relatively few cases, he said: “One of the reasons for this is that the bigger part of documents (about 5,000 cases of possible agents) were taken out of the country.”

[http://www.washingtonpost.com/world/europe/lithuanian-archive-releases-names-of-kgb-collaborators-in-transparency-drive/2012/02/22/gIQA3d8UTR\\_story.html](http://www.washingtonpost.com/world/europe/lithuanian-archive-releases-names-of-kgb-collaborators-in-transparency-drive/2012/02/22/gIQA3d8UTR_story.html);

<http://ukrainianweek.com/World/39650>

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

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

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

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

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

[http://www.magharebia.com/cocoon/awi/xhtml1/en\\_GB/features/awi/features/2012/02/13/feature-03](http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2012/02/13/feature-03)

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

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

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

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

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

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

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

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

<http://blogs.wsj.com/digits/2012/02/03/oops-motorola-resells-uncleared-xoom->

[tablets/?mod=WSJBlog](#)

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

[http://www.huffingtonpost.com/2012/02/20/scouts-to-turn-over-sex-abuse-files\\_n\\_1288894.html?view=screen](http://www.huffingtonpost.com/2012/02/20/scouts-to-turn-over-sex-abuse-files_n_1288894.html?view=screen)

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

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

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

*California*. In the first of an expected chain of settlements over a gas pipeline explosion in 2010 that killed eight people and destroyed 38 homes, the Pacific Gas and Electric Company is paying \$3 million to the state for failure to produce gas-pipeline safety records after the disaster.

*SFGate.com* reported, “In the days before the deadline, PG&E trucked hundreds of thousands of pages of records from around the state to a temporary sorting center . . . Ultimately, PG&E was forced to admit there were some documents it simply couldn’t find.” <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2012/02/21/MN2PINAGRE.DTL>

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

*Louisiana*. When hurricane Katrina hit New Orleans, Louisiana, in August 2005, it brought down the website of the courts and damaged court records. When the courts reopened in October, “they were overwhelmed with insurance claims and problems caused by missing records,” according to a civil trial judge speaking at a bar association meeting. The judge located “backup tapes of missing civil case management records by happenstance when she was looking for a new house. The person showing the home mentioned that a family member worked at the security center where the tapes were located.”

[http://www.abajournal.com/news/article/what\\_katrina\\_can\\_teach\\_lawyers\\_about\\_disaster\\_preparedness/](http://www.abajournal.com/news/article/what_katrina_can_teach_lawyers_about_disaster_preparedness/) The Federal Emergency Management Agency announced a \$1.7 million grant to help

preserve historical courthouse records damaged in the Katrina flooding, “including evidence of land transfers, mortgages and estates.” <http://www.fema.gov/news/newsrelease.fema?id=60624>

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

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

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

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

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

### **Publications, conferences.**

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

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

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

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

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

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

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

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

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

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

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

**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.**