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Commentary.

Ebola. Malaysian Air MH 17 crash. Fighting in an arc from Gaza to Baghdad. Unaccompanied children at the southern U.S. border. July was a bad month. All those events received massive, international media coverage. An issue that has not had similar international attention is the developing story of the unauthorized use of genetic material from the Huaorani people of Ecuador, taken from them by U.S. scientists under questionable circumstances. Archives may provide keys to understanding the human rights violation that occurred and perhaps even lead to accountability and compensation.

First, some background. The Huaorani people live in the eastern Amazon region of Ecuador. Exploration for oil began in the Huaorani homeland in the 1930s by Royal Dutch Shell, and starting in the 1960s a number of major oil companies began exploring for oil there. In the early 1990s (the date varies among reports) the Ecuadorean government gave Maxus Energy Corporation from Dallas, Texas, the right to drill and to construct a pipeline and an access road in the Huaorani land.

By the 1990s, medical researchers had become interested in the Huaorani, who may possess a genetic mutation that provides immunity to some diseases including hepatitis. So in an arrangement that is unclear, in 1991 two medical researchers from Harvard University went to Ecuador and “with the help of an oil company liaison” (according to a 2013 article in *The Scientist*) took as many as 3,500 blood samples from 600 Huaorani members along with some tissue samples. In a report issued in July 2014, the Council on Hemispheric Affairs, a U.S.-based non-governmental organization, wrote, “Fewer than 20 percent of the participants signed an authorization for the procedure, and all were further under the impression that their blood was being extracted to conduct personal medical examinations.” The samples were brought to the U.S. and in 1994 were provided to the Coriell Institute for Medical Research, based in the U.S. State of New Jersey, which in turn sold Huaorani DNA and cell lines to medical research labs in eight different countries.

The Huaorani never received the medical reports that they expected, and in 2010 a representative of the people filed a complaint with the government. The Ecuadorian government’s ombudsman opened an investigation, and in June 2014 the President of Ecuador in a radio broadcast announced that he plans to take legal action against the American entities, as Ecuador’s constitution prohibits the use of genetic material and scientific experimentation that undermines human rights. The President acknowledged that there is “no federal law in the United States that provides a legal basis for the claim in court against Coriell, Maxus or researchers from Harvard,” adding, “the law even protects copyright, but does not protect individuals if their blood is taken without their consent.”

<http://www.coha.org/biopiracy-the-new-tyrant-of-the-developing-world/>; <http://www.ecuadortimes.net/2014/06/14/extradition-huaorani-blood-will-difficult-according-correa/> <http://www.the-scientist.com/?articles.view/articleNo/34325/title/Bad-Blood/>

The case is similar to that of Henrietta Lacks, whose cancer cells were used around the world for 62 years and were the subject of more than 74,000 studies—all without the permission of either Ms. Lacks or her family (see *HRWG News* 2013-08). In the Huaorani case, many archival records might help strengthen the case for compensation to the Huaorani. First, the government of Ecuador should have the records of the lease to the Maxus oil company, which could clarify the rights the company was given. The government should also have records of the medical personnel coming into the country; presumably they made contact with the ministry of health. Second, if the U.S. Embassy in Quito facilitated the research trip, both the Ecuadorean Foreign Ministry and the U.S. Embassy would have a record. Third, Harvard Medical School

records should include information on the researchers and their project, the records of negotiations with Maxus to gain permission to work in its concessional area, the records of the permissions given by the estimated 20% of the Huaorani who gave assent or from the leaders on behalf of the group, and the research done with the samples. Fourth, if the research trip was funded by an external body (as most all are), there should be a record of the proposal and the final report, both at Harvard and at the funding agency. Fifth, as we learned in the case of the Guatemalan STD experiments (see *HRWG News* 2010-10), the personal papers of the researchers might also contain valuable information and provide insight into the research trip. Sixth, Coriell Institute should have the records of its acquisition of the samples and the records of their sale and distribution; it might also have used the samples in its own research, and those records should be there, too. And seventh, the Maxus oil company should have records of its agreement with the government of Ecuador, its agreement with Harvard to permit the researchers to work in its area (and likely providing them housing and transport as well). Maxus is now owned by the YPF energy company in Argentina, which was nationalized in 2012, making its records government records of Argentina. However, it seems unlikely that the older records of Maxus would have been sent to Argentina.

So, as in many human rights cases, to unravel the story and understand the events, we need the records of government, of business, of educational institutions, and possibly the personal papers of the individuals. It is no wonder that pursuing human rights cases can be a very costly research business.

International news.

European Court of Human Rights. In related judgments on two cases, the European Court of Human Rights held that the government of Poland violated the European Convention for the Protection of Human Rights and Fundamental Freedoms by its “complicity in the CIA High-Value Detainees Programme in that it enabled the US authorities to subject the applicant to torture and ill-treatment on its territory and to transfer the applicant from its territory despite the existence of a real risk that he would be subjected to treatment contrary” to the provisions of the Convention. It also said that Poland had failed to conduct a proper investigation into the detention, torture, and transfer of the two men at a secret prison at a Polish military base and ordered the government to pay compensation to each of the men, who are currently held in the U.S. prison at Guantanamo Bay, Cuba. The decision begins with a detailed account of the struggle between Poland and the Court over access to records, reviews the status of the law on classification of government records in Poland, and reproduces part of a letter from the Polish Border Guard to the Helsinki Foundation for Human Rights in which the Guard confirms “on the basis of archival documentation” that it cleared arrivals and departures of airplanes with particular registration numbers, apparently aircraft with detainees on board. For a report of the decision, see <http://www.theguardian.com/world/2014/jul/24/poland-breach-human-rights-convention-al-qaida-suspects-cia>. For the decision in the Abu Zubaydah case, see <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-146047>. For the decision in the Al Nashiri case, see <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-146044>.

In the case of Georgia v. Russia, the European Court of Human Rights held that Russia violated the European Convention on Human Rights when it expelled thousands of Georgians in 2006 and 2007. In support of its claim, Georgia submitted “a number of documents issued by the Main Directorate of Internal Affairs (GUVD) of St Petersburg and the Leningrad Region and by the Federal Migration Service of the Russian Federation” that give instructions to identify and deport Georgians, to place them in detention centers, to check on residence permits and registration documents, and to submit daily reports on the number of Georgians arrested. The Russian Federation responded that the items were either forged or were a “state secret” and could not be supplied to the court. Georgia also presented letters from Russian authorities to school officials instructing them to identify Georgian children. For a report, see <http://www.tol.org/client/article/24371-military-shakeup-in-ukraine-transdnierster-and-moscow-ink-trade-deal.html#4> For the decision, see <http://www.civil.ge/files/files/2014/ECHR-GEORGIAv.RUSSIA-I.pdf>

European Union/Kosovo. In September 2011 the European Union established a Special Investigative Task Force to investigate claims that members of the former Kosovo Liberation Army violated international humanitarian law and, in particular, that a small number of individuals “were killed for the purpose of extracting and trafficking their organs.” A statement issued by the chief prosecutor of the Task Force said

there is enough evidence to indict former KLA leaders for war crimes, but that there is not enough evidence “yet” to bring indictments on organ harvesting. He said the investigation “involved interviews with hundreds of witnesses” and “the review of thousands of pages of documents compiled by numerous organizations and individuals that were engaged in Kosovo during and after” the war in 1999. A special, European union-backed court is to be established in the Netherlands “at the beginning of next year” to hear the cases, *BIRN* reported. (For background, see *HRWG News* 2014-04.)

<http://www.euractiv.com/sections/enlargement/kla-guerrillas-harvested-murdered-serbs-organs-say-eu-investigators-303776> ; for statement, see http://www.sitf.eu/images/Statement/Statement_of_the_Chief_Prosecutor_of_the_SITF_EN.pdf ; http://www.balkaninsight.com/en/article/special-kosovo-court-fully-functional-in-2015?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=440b6eefc3-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-440b6eefc3-311109073

International Criminal Court. On behalf of the non-governmental organization Cypriots Against Turkish War Crimes, a Cypriot member of the European Parliament filed a war crimes complaint against Turkey at the International Criminal Court. According to the press release of Cyprus’ Ministry of Foreign Affairs after the filing, “Since 1974, Turkey has implemented a systematic policy of colonization of the occupied part of Cyprus, from which it expelled approximately 170,000 Greek Cypriots, in an attempt to change the demographic character of the island” and the government offers to provide the Court with “documentation on the colonization of the occupied area.” For the *Associated Press* report, see

<http://www.aljazeera.com/news/europe/2014/07/cypriots-file-war-crimes-case-against-turkey-201471410353477754.html>; for the *Famagusta Gazette* quoting the Ministry, see <http://famagusta-gazette.com/cyprus-at-the-disposal-of-international-criminal-court-over-turkish-illegal-p24573-69.htm>

International Criminal Tribunal for the former Yugoslavia. At the trial of Ratko Mladic, a former Bosnian Serb Army officer confirmed that he had written and circulated a document to his troops saying that the Serbs “are genetically stronger, better, more beautiful and more intelligent” than Bosniaks. *BIRN* reported that when the prosecutor “suggested” to the officer that he was a racist, the officer responded, “Of course not” and added, “That is my experience of life. I stand by my words.”

http://www.balkaninsight.com/en/article/mladic-s-witness-claims-genetic-superiority-of-serbs?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=cd3449aad4-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-cd3449aad4-311109073

Former Croatian Serb leader Goran Hadzic was indicted as part of a “joint criminal enterprise” with the Serbian paramilitary leader known as “Arkan” and former Serbian President Slobodan Milosevic to expel non-Serbs from Serb-controlled areas of Croatia to create a “Greater Serbia.” At Hadzic’s trial, prosecutors showed “various photos and videos picturing Hadzic and Arkan together” and wearing the same uniform, *BIRN* reported, but Hadzic denied remembering where the photos were taken and said “Arkan was following me on his personal initiative” and he was not planning to form an army with Arkan’s assistance.

http://www.balkaninsight.com/en/article/hadzic-denies-connections-with-arkan?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=8fb3967c7b-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-8fb3967c7b-311109073

Permanent Court of Arbitration. When British India was partitioned in 1947 to form the two states of India and Pakistan, the newly formed province of East Bengal (today’s Bangladesh) became part of Pakistan while the new province of West Bengal remained part of India. A Bengal Boundary Commission was established to mark the border between the two; chaired by Sir Cyril Radcliffe, the border demarcation report described the boundary line and annexed a map. However, the exact line in the Ganges river between the two states and the boundary’s continuation into the Bay of Bengal has been in dispute ever since. Now the Court, using the Radcliffe documents and maps, a subsequent tribunal’s records, and exchanges of letters between Pakistan and India in 1951, settled the boundary “in the territorial sea, the exclusive economic zone, and the continental shelf within and beyond 200 nautical miles.” Bangladesh was awarded nearly four-fifths of the contested area. <http://uk.reuters.com/article/2014/07/08/uk-bangladesh-india-seaborder-idUKKBN0FD15N20140708>; for the decision, see http://www.pca-cpa.org/shownews.asp?ac=view&pag_id=1261&nws_id=436

United Nations. Human Rights Watch reported that both the military of the Democratic Republic of Congo and United Nations peacekeepers “failed to intervene to stop a nearby attack that killed at least 30 civilians” from the Bafuliro ethnic group in Eastern Congo on June 6, 2014. MONUSCO, the United

Nations force, received telephone pleas for help during the attack, but when the commander reported to his superior he was told to “clarify the situation and gather more information.” The Congolese forces were similarly alerted and failed to take effective action, reported HRW. Now the South Kivu military prosecutor has opened an investigation into the massacre; both military and MONUSCO records of telephone calls and orders will be important sources. Human Rights Watch also obtained an “anonymous flyer” distributed on June 16, ten days after the massacre, warning any person found transporting members of the Banyamulenge ethnic group “whether by bicycle, motorcycle, or in his car, it’s finished; he and his client will be burned together.” <https://www.hrw.org/news/2014/07/02/dr-congo-army-un-failed-stop-massacre>

The United Nations is increasingly using drones to aid its peacekeeping missions in Africa, the *New York Times* reported, noting that while drones improve the UN’s intelligence-gathering capability they also raise “new issues about what to do with so much important data.” The *Times* quoted “United Nations officials” asserting that all the drone-collected data is “classified and available only at the discretion of its lawyers.” Human Rights Watch called for greater transparency in the use of drones and “requested that any information picked up by peacekeepers about atrocities against civilians—the burning of villages, for instance—be shared with the United Nations’ human rights monitors.” The records of all United Nations peacekeeping missions ultimately go to the United Nations Archives; caring for these electronic surveillance records will be a challenge for that unit. http://www.nytimes.com/2014/07/03/world/africa/unarmed-drones-aid-un-peacekeepers-in-africa.html?_r=0

UNESCO. UNESCO held a consultation with Iraqi and international cultural heritage experts and agreed on an Emergency Response Action Plan for Iraq. Among the range of threats, the participants voiced “concern for the country’s rich libraries and manuscript collections.” http://www.unesco.org/new/en/media-services/single-view/news/-a36765f929/back/9597/#.U8kcrC_D48Q

United Nations High Commissioner for Human Rights. The High Commissioner released a report, “The Right to Privacy in the Digital Age.” It argues that “lack of adequate national legislation and/or enforcement, weak procedural safeguards, and ineffective oversight” have all contributed “to a lack of accountability for arbitrary or unlawful interference in the right to privacy.” While addressing “the disturbing lack of governmental transparency associated with surveillance policies, laws and practices,” the report comments that in-depth analysis of issues relating to the “practical challenges to the promotion and protection of the right to privacy” would also “assist business entities in meeting their responsibility to respect human rights, including due diligence and risk management safeguards, as well as on their role in providing effective remedies.” Archivists in business settings need to engage in this discussion. http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.37_en.pdf

World Health Organization. The tragic outbreak of the Ebola virus in West Africa led the World Health Organization to conduct an “assessment of the outbreak response” in Liberia. Among the gaps identified in the response was “weak data management.” The press release said, “Comprehensive mapping of the financial, logistics and human resource needs will be articulated in the national operational plan under development,” an exercise also being conducted in Guinea and Sierra Leone. Strengthening national archives and records management operations in government and in the health sector will be crucial for enhancing capacity of epidemic preparedness and response. http://www.who.int/csr/don/2014_07_19_ebola/en/

World/general news.

Malaysia Airlines crash. On the day Malaysia Airlines Flight 17 went down over Ukraine, a post at 17:50 on the social media website VKontakte, which appeared to be from Ukrainian military leader Igor Girkin (known as Strelkov) said, reported the *Washington Post*, “In the vicinity of Torez, we just downed a plane” and posted a video image. A nearly simultaneous report by Russian *LifeNews* TV said, “Insurgents have reported a downed AN-26 [military transport plane] in the east of Ukraine . . . at around 17:30 local time . . . over the city of Torez in the Donetsk oblast” with the same image. The VKontakte web administrators soon deleted Strelkov’s post and issued a disclaimer, but the post already was captured by the Internet Archive Wayback Machine. A blogger for the Library of Congress reported that “a curator at the Hoover

institution Library and Archives with a specific concern for the VKontakte Strelkov blog” instructed the Wayback web crawler at the beginning of July to capture the Strelkov page twice daily. It now holds a key piece of evidence on the crash. <http://www.washingtonpost.com/news/the-intersect/wp/2014/07/21/how-web-archivists-and-other-digital-sleuths-are-unraveling-the-mystery-of-mh17/>; <http://www.tol.org/client/article/24391-lifenews-accidentally-tells-the-truth.html>. For the blog, see <http://blogs.loc.gov/digitalpreservation/2014/07/21503/>

Airplanes at Diego Garcia. Another airplane story relates to the European Court for Human Rights decision on Poland (see above). British media reported that a Member of Parliament in the UK asked for details on the United Kingdom’s role in U.S. Central Intelligence Agency flights between 2002 and 2009 carrying prisoners (“terror suspects”) via the British island of Diego Garcia. The Foreign and Commonwealth Office replied that the records of flights from 2002 “are incomplete due to water damage,” but later said that no records were lost and the water-damaged records were “being transferred from the airport to a new location and will be digitalized over the coming months.” <http://www.dailymail.co.uk/news/article-2695049/Terror-flight-files-saved-Pressure-grows-ministers-release-water-damaged-records-rendition-suspects-dried-out.html>; <http://www.theguardian.com/world/2014/jul/09/files-uk-role-cia-rendition-destroyed-diego-garcia-water-damage>

Snowden surveillance files. The *Washington Post* described “nearly 160,000 intercepted e-mail and instant-message conversations . . . and 7,900 documents taken from more than 11,000 online accounts” that it received from Edward Snowden. “Nine of 10 account holders found in [the] large cache . . . were not the intended surveillance targets but were caught in a net the agency had cast for somebody else.” Half of the files in the cache related to U.S. citizens; included were “medical records sent from one family member to another, resumes from job hunters and academic transcripts of schoolchildren” and more than 5,000 private photos. http://www.washingtonpost.com/world/national-security/in-nsa-intercepted-data-those-not-targeted-far-outnumber-the-foreigners-who-are/2014/07/05/8139adf8-045a-11e4-8572-4b1b969b6322_story.html

Google deletions. By July 3, reported *Agence France Presse*, “More than 70,000 people have already asked Google to delete links about them under Europe’s ‘right to be forgotten ruling’.” Meanwhile, a computer programmer created a “Hidden from Google” site to provide a list of and links to the de-linked stories, explaining, “This list is a way of archiving actions of censorship on the Internet.” <http://tribune.com.pk/story/730954/google-hit-by-70000-right-to-be-forgotten-requests/> <http://hiddenfromgoogle.com/>

ISIS passport. The Islamic State of Iraq and Syria (ISIS) announced that it had created a passport for the State of the Islamic Caliphate, which is being distributed to citizens in ISIS territory, reported *Trend News Agency* and *Alarabiya*. http://www.eurasiareview.com/07072014-isis-allegedly-issues-caliphate-passport/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

United Nations War Crimes Commission. The U.S. Holocaust Museum opened its digital copy of the records of the World War II era U.N. War Crimes Commission. Among the records are 10,000 case files on persons from Europe and Asia alleged to be war criminals and a central registry of 37,000 names of persons whose names were “submitted by 17 member nations for evaluation to try to assure that war criminals would be arrested and tried,” reported the *Associated Press*. Because most of the persons in the list were not tried, it is impossible to know whether the allegations are true. Most persons whose names appear are likely dead, given the passage of time, but at least some others (both accusers and accused) are still alive. <http://www.usnews.com/news/us/articles/2014/07/17/holocaust-museum-opens-un-archive-on-wwii-crimes>

Bilateral and multilateral news.

Brazil/United States. During his visit to Brazil at the time of the World Cup competition, U.S. Vice-President Joseph Biden gave Brazilian President Dilma Rousseff 43 U.S. State Department records dating from 1967 to 1977 for use by Brazil’s Truth Commission. Biden promised that the U.S. government would undertake a broader review of still highly classified U.S. records on Brazil, among them CIA and Defense Department documents, to assist the Commission in finalizing its report. On July 2, the Commission posted all 43 documents on its website, accompanied by this statement: “The CNV greatly appreciates the

initiative of the U.S. government to make these records available to Brazilian society and hopes that this collaboration will continue to progress." <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB478/>

China/Japan. On July 4 China began publishing “confessions” of 45 convicted Japanese World War II criminals; the State Archives Administration says it will publish one a day for 45 days, apparently both the original handwritten in Japanese and the official translation into Chinese. According to *Agence France Presse*, all the documents relate to 45 war criminals put on trial in China in 1956. <http://dunyanews.tv/index.php/en/World/227491-China-to-release-daily-Japanese-WWII-crimes-confe>

China’s Jilin Province Archives released captured Japanese records from World War II relating to mass bombings in the Chongqing Municipality in the summer of 1939, *Xinhua News Agency* reported. <http://www.globalpost.com/dispatch/news/xinhua-news-agency/140702/archives-reveal-japans-wwii-bombing-chongqing>

France/Palestine/Russia/Switzerland. *Middle East Eye* reported that the French are reviewing their assessment of the cause of Yasser Arafat’s death. In 2012-13 French, Swiss and Russian panels looked into the allegation that Arafat had been poisoned, with the Russian and French inquiries concluding that he was not poisoned, as an earlier Swiss finding suggested. The records of all previous inquiries are important documentation. http://www.eurasiareview.com/04072014-report-investigation-arafats-death-revived/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Japan/United States. Kuentai-Japan, a nonprofit group that searches Pacific islands for Japan’s war dead, researched records of the U.S. 27th Infantry Division in the New York State Military Museum, looking for information on burials on Saipan during World War II, reported the *Associated Press*. On 7 July 1944 more than 3000 Japanese soldiers launched a major attack on Saipan, killing or wounding more than 900 soldiers of the U.S. Army’s 105th Regiment, part of the 27th Infantry and a former New York National Guard unit. The Museum holds the Division’s “enlistment cards, rosters, regimental yearbooks, photographs and other documents.” The search for clues is urgent because a Russian developer plans to begin construction of a condominium this autumn near the beach where the assault took place and both U.S. and Japanese governments want to recover any bodies in the construction zone. <http://abcnews.go.com/International/wireStory/japanese-search-us-archives-wwii-mia-info-24774228>

A U.S. federal judge ruled that the Japanese firm Takeda Pharmaceuticals, maker of Actos, acted in bad faith by intentionally destroying key documents pertaining to bladder cancer risks that are the subject of a massive lawsuit that combines 3000 individual lawsuits. The plaintiffs “argue that Takeda failed to properly warn about bladder cancer risks despite prior knowledge about the dangerous side effects of its medication” which was marketed as a diabetes drug, reported *Injury Lawyer News*. <http://injurylawyer-news.com/2014/07/actos-mdl-judge-rules-takeda-intentionally-destroyed-documents/>

Kyrgyzstan/Tajikistan. Vorukh is a small enclave that is part of Tajikistan but is entirely surrounded by Kyrgyzstan due to border revisions during Stalin’s era when both countries were part of the Soviet Union. The two countries have repeatedly clashed over the exact borders of the enclave and the access to it. An “incident” on 10 July killed one Tajik national and injured seven others, including two border guards, reported *RadioFreeEurope/RadioLiberty*, leading the two countries to appoint a joint commission to investigate recent violence around the enclave. Russian archives records of the Stalin era adjustments could be helpful to the commission. <http://www.rferl.org/content/tajik-kyrgyz-talks-border-shooting-vorukh-exclave-conflict/25453431.html>

Russia/United Kingdom. Churchill Archives Centre at Churchill College released Vasili Mitrokhin's edited Russian-language notes for public research. Mitrokhin, a former KGB major, defected to the U.K. in 1992 and brought with him hundreds of copies of documents and notes from his KGB assignments. The U.S. Federal Bureau of Investigation called his set of documents the “most complete and extensive intelligence ever received from any source,” reported the *Mail Online*. Mitrokhin died in 2004; his family gave his papers to the Centre. <http://www.dailymail.co.uk/news/article-2682672/Drunks-secrets-KGBs-verdict->

South Africa/United States. In response to a Freedom of Information lawsuit, the U.S. Federal Bureau of Investigation released two sets of its records on former South African president Nelson Mandela during and after the Cold War, reported the *Bradenton Times*.

http://www.thebradentontimes.com/news/2014/07/11/world_news/student_s_lawsuit_prompts_release_of_fbi_records_detailing_spying_on_nelson_mandela/#.U9mUXjHD_IV

National news.

Australia. The Office of the Director of Public Prosecutions chose not to prosecute any member of the former Labor Cabinet for his or her role in making the cabinet decision that led to the shredding of documents alleged to have been related to child sexual abuse, in a scandal known as the “Heiner Affair,” reported *The Courier-Mail*. (For background, see *HRWG News* 2013-02, 04, 07).

<http://www.couriermail.com.au/news/queensland/heiner-affair-office-of-dpp-will-not-pursue-labor-cabinets-shredding-of-documents/story-fnihsrf2-1226975335772?nk=803e21d28ad0ac60f15cdd397402b88d>

Canada. A court in Ontario held a hearing on the disposition of the claims files of the Individual Assessment Process, which is determining the compensation to be provided to about 38,000 First Nations residential school survivors who claim to have been abused at the schools. The chief claims adjudicator called for the destruction of all files to protect the privacy of the claimants, while the National Research Center (which will hold the records of Canada’s Truth and Reconciliation Commission) urged retention with a period during which the records would be closed to research. <http://www.ctvnews.ca/canada/court-urged-to-seal-not-destroy-residential-school-records-1.1914758>;

http://www.thestar.com/news/canada/2014/07/16/residential_school_survivors_raise_outcry_over_possible_erasure_of_records.html

Former residents of the Huronia Regional Centre, an Ontario institution for the developmentally disabled, are suing the institution over abuse and neglect during their stay. According to the *Canadian Press*, the deadline to file claims had to be pushed back because “of the holdup in obtaining documents.” The Ministry of Community and Social Services, which has the records of the Centre, said “1,000 files have been released, some 960 requests are still being processed, and roughly 70 files ‘have not yet been located’ despite efforts to find them.” (For background, see *HRWG News* 2013-10.)

http://www.thestar.com/news/gta/2014/07/02/court_pushes_back_huronia_deadline_as_former_residents_hit_roadblocks_in_claim_s_process.html; http://www.thestar.com/news/gta/2014/07/06/huronia_survivors_told_some_case_files_are_missing.html;
<http://www.therecord.com/news-story/4620672-release-of-huronia-case-files-faces-delays/>

Democratic Republic of Congo. The International Crisis Group reported in *CrisisWatch* that the DRC government released a fourth list of persons receiving amnesty, naming 315 persons of which 68 were members of the M23 rebel group. In addition, a DRC government mission was allowed to visit Rwanda “to identify and register M23 combatants living there.” Given the continuing volatility in eastern Congo, both the amnesty list and the register must be securely maintained and their authenticity protected.

<http://reliefweb.int/sites/reliefweb.int/files/resources/cw132.pdf>

Germany. The German parliament is currently considering proposals on the future of the Stasi Document Center, including whether to transfer it to the Bundesarchiv, reported *Deutsche Welle*.

<http://www.dw.de/east-german-secret-police-files-still-relevant/a-17761338>

India. A report that records relating to the assassination of Mahatma Gandhi were destroyed on the direction of the new Prime Minister was denied by the Home Minister. While 11,000 files were destroyed, none related to the assassination, he said, adding that all files relating to the assassination “are in safe custody of National Archives,” reported *IBN Live*. <http://ibnlive.in.com/news/11100-files-destroyed-mahatma-gandhi-assassination-records-safe-mha/485293-37-64.html>

Iraq. According to *The Daily Beast*, Christians fleeing Mosul reported having “money, belongings, jewelry and even documents stolen from them” by fighters of the Islamic State of Iraq and Syria (ISIS). A “few”

Christians decided to stay and convert to Islam; after they “performed a profession of faith” they “received a document from members of ISIS confirming their conversion to protect them from reprisals in the future”--clearly a life-or-death document. <http://www.thedailybeast.com/articles/2014/07/22/isis-robs-christians-fleeing-its-edict-in-mosul-convert-leave-or-die.html>

Conflict Antiquities monitors the destruction in Iraq as the Islamic State advances. It reports that in addition to destroying religious property from various faiths, ISIS destroyed “the office of the Shia Badr Militia (the political party headquarters of the Supreme Council for Islamic Revolution in Iraq (SCIRI) . . . an Iraqi government building, an Iraqi army building . . . and a centre used to imprison and murder Sunnis.” The buildings must have housed extensive records which presumably are now destroyed. Photos of destroyed buildings are circulating, which could be important evidence of the events. <http://conflictantiquities.wordpress.com/2014/07/18/syria-iraq-kirkuk-bashir-urbicide-destruction-islamic-state/>; <http://conflictantiquities.wordpress.com/2014/07/23/syria-iraq-mosul-burned-syriac-catholic-cathedral-source-photographs/>

Kosovo. *BIRN* reported that 115,759 people in Kosovo signed a petition urging the United Nations to produce a report about rapes committed during the war in 1998-1999. The petition will be handed to the UN in September; it “is seen as possible step towards asking the UN to establish a special court to prosecute rapes committed by Serbian forces during the conflict.” At present there is “no accurate estimate of the number of women and girls who were raped or suffered other forms of sexual violence” and there also are no “official figures on the number of people who were killed, injured or went missing during the conflict.” http://www.balkaninsight.com/en/article/kosovo-gains-solid-support-for-war-rape-petition?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=414d537400-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-414d537400-311109073

Macedonia. Macedonia’s parliament elected a new set of commissioners for its controversial Lustration Commission (for background, see *HRWG News* 2014-01). *BIRN* reported that the Commission still has 20,000 files to review “that are stored in the state archives and in other institutions” in order to discover people who “collaborated with the Yugoslav Communist-era police or ordered surveillance of others for ideological reasons.” http://www.balkaninsight.com/en/article/old-head-to-lead-macedonia-s-lustration-commission?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=414d537400-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-414d537400-311109073

Nigeria. *Reuters* reported that a video was released by the militant group Boko Haram in which it “claimed responsibility for two explosions on June 25 at a fuel depot in Lagos, Nigeria’s commercial hub” and at a shopping mall in Abuja which together claimed at least 26 lives. The Nigerian police archives should hold a copy of the video. <http://uk.reuters.com/article/2014/07/13/uk-nigeria-violence-idUKKBN0FI0IG20140713>

Palestine. *Al-Monitor* reported seeing a training booklet “traded among al-Qassam fighters before the outbreak of the war” with Israel, outlining the use of sniper units and improvised and camouflaged bombs “in each lane and road.” <http://www.al-monitor.com/pulse/originals/2014/07/israel-ground-offensive-al-qassam-amas.html>

South Africa. South Africa “reopened its land claims process, allowing people who were removed from their land under apartheid rule but who missed an earlier deadline for lodging claims for compensation, to do [so] within the next five years,” reported *allafrica.com*. An estimated “3.5 million South Africans were forcibly removed from their land as a result of the Native Land Act of 1913.” The Khoi and San communities “suffered dispossession long before the passing of the 1913 Land Act” and the government announced that a policy will be developed to deal with their claims. The government will register claims electronically; preservation of the electronic land registrations will be an important responsibility for the archives. [http://allafrica.com/stories/201407020327.html?aa_source=slideout](http://allafrica.com/stories/201407020327.html?aa_source=slideout;); http://allafrica.com/stories/201407021197.html?aa_source=slideout

Sri Lanka. The president appointed three former United Nations prosecutors to advise the commission investigating missing people and possible war crimes committed during the country’s 26-year civil war, *Reuters* reported. An investigation into war crimes is also being conducted separately by the United Nations High Commissioner for Human Rights. <http://www.reuters.com/article/2014/07/17/us-sri-lanka-warcrimes-idUSKBN0FM1M820140717>

In southern Sri Lanka in June Muslims were attacked and riots destroyed Muslim property and mosques; the violence left at least four persons dead. *CrisisWatch* reported that there are now charges that officials falsified the autopsy reports of the three Muslims killed “possibly by police or off-duty security personnel.” <http://www.crisisgroup.org/CrisisWatchParagraphPage.aspx?id=%7B1B4ECAC7-29EB-4827-A3B9-A93301639AE6%7D>

Uganda. Human Rights Watch (HRW) published a report on the abuses of street children in Uganda, particularly in the urban areas. The report is based heavily on interviews: 132 with current and former street children and 49 interviews with members of civil society organizations and government officials. HRW sent questions to the Uganda Police Force, one of which asked about handling complaints. The police replied that it had received one verbal complaint “a couple years ago” and the person was referred to the proper jurisdiction but did not file a written complaint: “any case that is not entered in our station diary books is not followed because there is no law backing it up officially.” <http://www.hrw.org/reports/2014/07/17/where-do-you-want-us-go>

Ukraine. *BuzzFeed*, an electronic media company, reported that its reporter entered the security services building in Slovyansk after the Ukrainian rebels withdrew and found documents, including “detailed transcripts” of three trials. “Written testimony from the accused and witnesses is made out to Strelkov [see first item under World/General above]. The execution orders are signed and stamped by him.” The article includes photos of an execution order and a confession. <http://www.buzzfeed.com/maxseddon/documents-show-rebel-justice-in-east-ukraine-was-bureaucrati>

United Kingdom. A dossier compiled by a Member of Parliament in the 1980s detailing allegations of a Westminster paedophile ring is among 114 Home Office files relevant to allegations of a child abuse network that are lost or have disappeared from the archives of the Home Office, reported many U.K. media sources. Scotland Yard confirmed that it had “relevant” records on the network but would not release them to the public. Meanwhile, the U.K. government established an “inquiry panel” to look into “how public bodies handled their duty of care to protect children from paedophiles,” reported the *BBC*, and the Home Secretary told Parliament that the inquiry would begin with a “review of the documentary evidence” and will have access to “all the government papers, reviews and reports it needs.” The Home Office opened a separate review of “historical allegations of child abuse and how police and prosecutors handled information given to them.” <https://www.gov.uk/government/news/home-secretary-oral-statement-on-child-abuse>; <http://www.theguardian.com/politics/2014/jul/05/lost-child-abuse-files-home-office>; http://www.dailymail.co.uk/news/article-2690121/Is-Met-hiding-sex-claim-files-First-indication-Dickens-dossier-Westminster-paedophile-ring-found.html?ITO=1490&ns_mchannel=rss&ns_campaign=1490; <http://www.telegraph.co.uk/news/uknews/law-and-order/10956642/Witch-hunts-thrive-in-a-climate-of-fear.html>; <http://www.bbc.com/news/uk-politics-28482760>

United Kingdom/Northern Ireland. The Information Commissioner’s Office is investigating an alleged data breach by the BBC in which files “containing highly sensitive information” about an elite British army unit in Northern Ireland “which is alleged to have shot unarmed civilians in Northern Ireland during the Troubles in the early 1970s” were copied to a memory stick by a staff member and given to an unidentified third party. <http://www.irishtimes.com/news/crime-and-law/bbc-s-panorama-lost-files-on-british-army-unit-in-north-1.1853893>

United States. A wave of unaccompanied children crossed the border between Mexico and the United States, making it one of the most hotly debated events of the summer. The Pew Research Center, a U.S. non-governmental organization, used the Freedom of Information Act to obtain data from the U.S. Customs and Border Protection’s Enforcement Integrated Database that show that 57,525 unaccompanied children came across the border between October 2013 and June 2014, with nearly 11,000 in June alone. Honduras, with the highest murder rate in the world, sent the most children (13,244, of which 27% are 12 years of age and younger), followed closely by Mexico, Guatemala and El Salvador. As the U.S. heatedly debates how to handle the flood and protect the human rights of these vulnerable minors, this government data provides an important foundation for decision-making. <http://www.pewresearch.org/fact-tank/2014/07/22/children-12-and-under-are-fastest-growing-group-of-unaccompanied-minors-at-u-s-border/>

United States/California. The Oakland Unified School District moved out of its headquarters in January 2013 without removing or securing the records scattered throughout the building: an estimated 80 years of

records including payroll sheets, employment records, confidential files, and student information. Now five employees have been victims of identity theft, probably by using information gained from the abandoned records. The school is now boxing and moving the records, according to *AllGov*.
<http://www.allgov.com/usa/ca/news/top-stories/oakland-school-employees-are-id-theft-victims-after-records-left-in-abandoned-hq-140718?news=853720>

In 2011 a computer that held the password-protected but unencrypted medical records of over 4 million patients was stolen at healthcare provider Sutter Health. A class action lawsuit followed, alleging that the company was negligent. The California state appeals court ruled against the patients, “holding that no one can prove the data has ever been used.” This is in direct conflict with a Federal court ruling in Florida in March that allowed for recovery for a breach whether or not the information had been used (see *HRWG News* 2014-03). <http://www.courthousenews.com/2014/07/22/69729.htm>

United States/Iowa. In the settlement of a lawsuit brought by the *Des Moines Register*, the Iowa Department of Public Safety agreed to release the video and audio records and related written reports showing the use of a Taser (a weapon delivering a short, high-voltage jolt of electricity) on a man in the custody of the Worth County sheriff; he died following the encounter. However, the newspaper “is still seeking copies of reports filed by the Worth County deputies involved in the incident. The Division of Criminal Investigation said it does not have those records, and officials from the county have said they no longer possess them.” <http://www.desmoinesregister.com/story/news/investigations/2014/07/22/des-moines-register-open-records-settlement-taser-state-of-iowa/13004703/>

United States/Massachusetts. A “giant pile” of mortgage documents, containing everything from driver’s license information to divorce records, was found dumped in field in Plymouth, *MyFoxBoston* reported. They were files of a realtor; he has now retrieved them and burned them. The state Attorney General is investigating. <http://www.myfoxboston.com/story/25909708/giant-pile-of-mortgage-documents-found-dumped-in-plymouth-field-ag-concerned>

United States/Minnesota. The *Associated Press* reported that the former canon lawyer and archivist for the Catholic Archdiocese of St. Paul and Minneapolis said “the church used a chaotic system of record-keeping that helped conceal the backgrounds” of priests guilty of sexual misconduct, which allowed them to remain in the ministry. Priests’ records “were scattered among storage locations throughout the archdiocese,” the archivist told the *Press*, adding, “The presence of so many files in so many different locations meant that often important information did not make its way into the priest’s personnel file.”
<http://bigstory.ap.org/article/church-lawyer-details-cover-claims-sex-abuse>

United States/New Jersey. Customers of the Butler, New Jersey, Water Department were warned that the Department “failed to comply with certain federal and state regulations regarding record-keeping from April 2010 to July 2014,” reported *northjersey.com*. Some of the records (computer files) that were lost pertain to the clarity of the water; water that is cloudy can “increase the chance that the water might have contained disease-causing organisms.” <http://www.northjersey.com/news/state-warns-water-utility-about-its-record-keeping-1.1058084?page=all>

United States/New York. According to a report by the state Attorney General, “nearly 23 million private records of New Yorkers have been exposed in data security breaches reported by more than 3,000 businesses, nonprofits and governments over the past eight years,” reported the *Associated Press*. “Deliberate hacking was responsible for 40 percent of the 5,000 incidents, which exposed a majority of the records, followed by lost or stolen equipment, insider wrongdoing and inadvertent errors.”
<http://www.washingtontimes.com/news/2014/jul/15/228-million-new-yorkers-personal-records-exposed/>

United States/Virgin Islands. The elections supervisor admitted shredding police records submitted by the territory's political candidates as part of their nomination packets to run for public office. Under the Virgin Islands Code, willfully destroying public records is illegal, said the *Virgin Islands Daily News*.
<http://virginislandsdailynews.com/news/the-elections-supervisor-and-the-law-she-broke-fawkes-destroys-public-documents-1.1718878>

Publications.

The International Center for Transitional Justice and the Kofi Annan Foundation published a report of a symposium held with funding from the Government of Finland: “[Challenging the Conventional: Can Truth Commissions Strengthen Peace Processes?](http://ictj.org/sites/default/files/ICTJ-Report-KAF-TruthCommPeace-2014.pdf)” <http://ictj.org/sites/default/files/ICTJ-Report-KAF-TruthCommPeace-2014.pdf>

The U.S. National Institute of Standards and Technology issued a draft report prepared by its Cloud Computing Forensic Science Working Group, listing 65 challenges cloud computing present to forensics investigators who hope to use digital evidence to solve crimes. Among the “challenges” is “identifying physical locations of media storage.” This is a control issue that archivists should be able to address through good master location registers. http://csrc.nist.gov/publications/drafts/nistir-8006/draft_nistir_8006.pdf

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