
ARCHIVES AND HUMAN RIGHTS
News from the Section on Archives and Human Rights
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Commentary.

We, Janus-like, both look forward to a new decade and look back at the events of the year just past. Here are items from each month of the *News* in 2019 that, taken together, illustrate the diversity of human rights issues that involve archives. Best wishes for the year ahead!

January. Some U.S. police departments are finding it too expensive to manage and store the records of the body cameras their officers wear.

February. Facebook employs about 15,000 persons as “content reviewers” to moderate posts and delete those containing hate speech, violent attacks, graphic pornography and other images; this review takes a psychological toll on the reviewers.

March. The European Court of Human Rights, citing Soviet KGB documents, issued a landmark ruling that Soviet repressions against Lithuanian partisans can be treated as genocide. The case is on appeal.

April. The president of the recently concluded Tunisian Truth and Dignity Commission said she regretted very much the “sore lack of documents” provided to the Commission from the archives of the political police.

May. In Guatemala the Historical Archives of the National Police (AHPN) was under threat from the Minister of the Interior; the situation has moderated since May but remains unstable.

June. The nongovernmental Syrian Legal Development Programme published “The Human Rights and Business Toolkit for Syria” to help human rights defenders identify human rights issues linked to business activity and hold “perpetrators of business-related human rights abuses to account.”

July. Akevot, a nongovernmental organization in Israel, published a report on the “Ministry of Defense mechanism to conceal archival records in various archives,” including those needed for understanding the 1948 displacement of Palestinians.

August. The High Court of Bangladesh ruled that “women need no longer declare if they are virgins on marriage certificates.”

September. Studies using criminal history records from the U.S. and Denmark found that a significant percentage of offenders who gave a DNA sample upon arrest were less likely to reoffend after release.

October. A court in Northern Ireland ruled that oral history interviews of former Irish Republican Army members about events during the “Troubles” could not be used as evidence because both interviewee and interviewer had a “clear bias.”

November. Climate research using satellite imagery, LandScan population data, and artificial intelligence found that within a mere three decades rising sea levels could regularly flood lands currently home to 300 million people.

December. Records of the University of Cape Town’s medical school enabled researchers to find the living descendants of 9 San and Khoe persons whose 100-year-old skeletal remains are housed there. At the request of the families, the University facilitated research into the native San and Khoe people and will return the remains to the families.

International news.

International Criminal Court. Pre-Trial Chamber II confirmed war crimes and crimes against humanity charges against Alfred Yekatom and Patrice-Edouard Ngaïssona for acts during the armed conflict in the Central African Republic between September 2013 and December 2014. The court said, “In view of ensuring protection of victims and witnesses, the decision is confidential and a redacted version of it will be published in due course.” The case will now go to trial. https://www.icc-cpi.int/Pages/item.aspx?name=PR1506&utm_source=International+Justice+Monitor&utm_campaign=2603b5c1aa-related-news-rss&utm_medium=email&utm_term=0_f42ffeffb9-2603b5c1aa-49700673

The Appeals Chamber upheld the Trial Court’s sentence of Jean-Pierre Bemba for witness tampering. *International Justice Monitor* called the decision “significant because it considers novel and previously unexplored arguments” on whether states can impose “additional criminal punishments and civil sanctions upon individuals who have been convicted by the ICC.” The constitutional court in the Democratic Republic of Congo (DRC), where Bemba formerly was vice-president, held that Bemba was ineligible to hold public office due to his ICC conviction, which Bemba argued was punishing him “twice for the same conduct.” The Court said the DRC did not punish Bemba criminally (as the ICC did) but only gave him a civil penalty, which it was free to do. <https://www.ijmonitor.org/2019/12/the-bemba-et-al-case-can-states-impose-additional-punishments-upon-convicted-icc-defendants/>

The Prosecutor announced, “There is a reasonable basis to believe that war crimes have been or are being committed in the West Bank, including East Jerusalem, and the Gaza Strip . . . and the Prosecution has identified potential cases arising from the situation which would be admissible.” The Prosecutor asked Pre-Trial Chamber I “to rule on the scope of the Court’s territorial jurisdiction in the situation in Palestine. Specifically, the Prosecution seeks confirmation that the ‘territory’ over which the Court may exercise its jurisdiction . . . comprises the Occupied Palestinian Territory, that is the West Bank, including East Jerusalem, and Gaza.” The 112-page Prosecutor’s request includes extensive footnotes. <https://www.icc-cpi.int/Pages/item.aspx?name=20191220-otp-statement-palestine;> filing https://www.icc-cpi.int/CourtRecords/CR2019_07637.PDF

Organization for Prohibition of Chemical Weapons (OPCW). The *Mail on Sunday* reported that “a senior official” at OPCW “demanded the ‘removal of all traces’ of a document which undermined claims that gas cylinders had been dropped from the air” on persons in Douma, a rebel-held Damascus suburb, in April 2018. *The Mail* also reported that “a leaked email—whose authenticity has since been verified by the OPCW—which protested that the scientists’ original interim report” on the alleged poison gas attack “had been censored to change its meaning.” Ian Henderson, an OPCW inspector who conducted a study of the incident, “tried to get his research included in the final report, but when it became clear it would be excluded, he lodged a copy in a secure registry, known as the Documents Registry Archive.” For background, see *HRWG News* 2019-03. https://www.dailymail.co.uk/news/article-7793253/PETER-HITCHENS-reveals-evidence-watchdog-suppressed-report-casting-doubt-Assad-gas-attack.html?ns_mchannel=rss&ico=taboola_feed

United Nations. The Global Legal Action Network filed a complaint against Italy with the UN Human Rights Committee on behalf of an individual who was on a “distressed migrant boat” that was “pushed back” to the coast of Libya by a Panamanian merchant vessel, the *Nivin*, which was given instructions to do so by the Italian Maritime Rescue Coordination Centre. The complaint used as evidence a report compiled by Forensic Oceanography based at Goldsmiths, University of London, which combined multiple sources to reconstruct the incident. The complaint says Italy and other states “are breaching their obligations under international law by using private merchant vessels as an instrument of refoulement” (the forcible return of refugees to a place where they may face persecution). https://c5e65eccc-003b-4d73-aa76-854664da4e33.filesusr.com/ugd/14ee1a_2090952bd5694900a5fd19919170fbd5.pdf ; <https://www.fidh.org/IMG/pdf/fo-report.pdf>

On Human Rights Day, 10 December, the UN High Commissioner for Human Rights issued a statement focusing on climate change, writing that “among the many human rights challenges that have been metastasizing during the first two decades of the 21st century, the global climate emergency presents perhaps the most profound planet-wide threat to human rights that we have seen since World War II.

From the right to life, to health, to food, water and shelter, to our rights to be free from discrimination, to development and to self-determination, its impacts are already making themselves felt.”
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25403>

The General Assembly adopted a resolution declaring an International Decade of Indigenous Languages, to begin in 2022. <https://www.cbc.ca/news/indigenous/un-decade-indigenous-languages-1.5401443>

Writing in *The Conversation*, two university researchers said in the summer of 2017 their research team “audio-recorded” interviews with “approximately 2,500 Haitians about the experiences of local women and girls living in communities that host peace support operations. Of those, 265 told stories that featured children fathered by UN personnel.” In 2017 a group of Haitian lawyers filed paternity suits on behalf of children said to have been fathered by the UN peacekeepers, but the UN has refused to furnish evidence in its possession, such as the result of DNA tests that are vital to the mothers’ cases, violating a Haitian court order to do so. Sadly, the researchers said their “preliminary work in the Democratic Republic of Congo suggests a comparable situation.” For background see *HRWG News* 2017-12.
<https://theconversation.com/they-put-a-few-coins-in-your-hands-to-drop-a-baby-in-you-265-stories-of-haitian-children-abandoned-by-un-fathers-114854>

World/general news.

Business records. The Investor Alliance for Human Rights, 71 investors who formed “a collective action platform for responsible investment,” issued an invitation to all institutional investors to sign on to a statement titled “The Investor Case for Mandatory Human Rights Due Diligence.” The statement calls on all governments to develop, implement, and enforce mandatory human rights due diligence requirements for all companies headquartered or operating within their own jurisdictions or, where appropriate, to further strengthen these regulatory regimes where they already exist. This is a significant step by people who provide the money for business, and when implemented will require additional reporting and record-keeping by both businesses and government.
<https://investorsforhumanrights.org/sites/default/files/attachments/2019-12/The%20Investor%20Case%20for%20mHRDD%20-%20FINAL%20for%2011.25%20launch.pdf>

STAT published a long report on how contaminants from prescription-drug factories pollute waterways. As a test, they used the Monongahela River downstream from Morgantown, West Virginia (U.S.), where six companies have manufacturing facilities, including three U.S.-owned companies, two Israeli, and one U.K. Working with Type Investigations, the reporters used the Freedom of Information Act to obtain government records on water treatment plants on the river whose outflow had been sampled by the United States Geological Survey (USGS), “confirmed with those treatment plants which drug companies had permits to discharge wastewater into them,” determined the drugs made at the facility “to check whether they matched medications detected at high concentrations in wastewater,” searched “regulatory databases” and interviewed former drug company employees. They reported that USGS “found drugs downstream from the manufacturing facilities at levels thousands of times higher than in rivers that don’t contain manufacturing waste, and at concentrations thought to endanger wildlife.” Because pharmaceuticals “are not a regulated pollutant in the U.S.,” the companies are breaking no Federal or state laws by polluting the waterways. https://www.statnews.com/2019/12/11/how-contaminants-from-prescription-drug-factories-pollute-waterways/?utm_source=STAT+Newsletters&utm_campaign=8a7826ec96-Weekend_Reads_COPY_02&utm_medium=email&utm_term=0_8cab1d7961-8a7826ec96-149736437

International Rights Advocates, a U.S.-based nongovernmental organization, filed a class action lawsuit in U.S. Federal Court for the District of Columbia against Apple, Alphabet (Google), Dell, Microsoft, and Tesla for “aiding and abetting extreme abuse of children mining cobalt in the Democratic Republic of Congo.” The complaint states, “Plaintiffs’ research team across 2017-19 easily observed, interviewed and photographed children performing hazardous work mining cobalt under horrific conditions. Further, they interviewed and photographed a parade of children maimed by cobalt mining accidents at mines owned, operated, and/or controlled by the suppliers.” Some of the photographs are included in the complaint. <http://iradvocates.org/sites/iradvocates.org/files/stamped%20-Complaint.pdf>; <https://www.theguardian.com/global-development/commentisfree/2019/dec/16/i-saw-the-unbearable-grief-inflicted-on-families-by-cobalt-mining-i-pray-for-change>

The Small Arms Survey, a nongovernmental organization based in Geneva, Switzerland, reported in its 2019 update that the global trade in small arms was worth USD 6.5 billion in 2016, up 13% from 2015 and the highest ever since the Survey began in 2001. The data it uses comes from the UN Comtrade database; the Survey “gives countries almost two full calendar years in which to make and revise their . . . submissions” before analyzing the trade. Switzerland was identified as the most transparent small arms exporter and North Korea and Iran the least. The report had a special focus on Southeast Asia, where “authorized small arms imports . . . were worth at least USD 443 million in 2016, a 48% increase from 2015.” The largest importer in the region was Indonesia; it has accounted for 62% of the region’s imports since 2014. <https://reliefweb.int/sites/reliefweb.int/files/resources/SAS-Trade-Update-2019.pdf>

Church records. The Vatican announced that it abolished “secrecy rules for cases of sexual abuse, effectively allowing the Catholic church to share documents and information with civil authorities, and allow victims to be updated of the status of their cases,” *CNN* reported. Pope Francis also “expanded the church’s definition of child pornography, raising the age limit on who is considered a child from 14 to 18 . . . [which] will mean possession of pornography of children under the 18 is a crime under Vatican laws.” <https://www.cnn.com/2019/12/17/europe/pope-vatican-secrecy-rules-intl/index.html>

The Legion of Christ, a Catholic religious order founded in Mexico, released statistics from an “internal investigation” that “identified 33 priests and 71 seminarians who sexually abused minors over the past eight decades,” the *Associated Press* reported. The Legion said there were 175 victims of priests but provided no number of victims of seminarians. The same day the statistics were released, Pope Francis “accepted the resignation” of the dean of the College of Cardinals who “had for years blocked the Vatican from investigating sex abuse allegations” against the founder of the Legion “even though the Vatican had documented evidence dating from the 1940s that he was a drug addict and pedophile.” <https://apnews.com/e23d4e965a0b84cad18bef11d9b5d825>

Following a “recently-completed review of personnel files,” the Catholic diocese of Charlotte, North Carolina (U.S.), published a list of 14 clergy who have been “credibly accused” of child sexual abuse in the last half century, the *Charlotte Observer* reported. None of the men is now part of the ministry. <https://www.charlotteobserver.com/living/religion/article238656603.html>

Climate change. In a ruling that *Fortune* said “could have wide ramifications for litigation worldwide,” the Supreme Court of the Netherlands ruled that “the Dutch government must reduce emissions by at least 25% by the end of 2020 compared to 1990 levels.” It said it based its judgment “on the UN Climate Convention and the obligations for the state under the European Convention on Human Rights.” The case was brought by a group of Dutch citizens “who wanted the government to move faster.” The government will need to maintain records of the reduction of emissions. <https://fortune.com/2019/12/20/climate-change-litigation-human-rights-netherlands/>

The Philippines’ Commission on Human Rights conducted “a nearly 3-year investigation into whether 47 of the world’s biggest fossil fuel firms—known as the Carbon Majors—could be held accountable for violating the rights of its citizens for the damage caused by global warming,” *Climate Liability News* reported. The answer the Commission gave, based on “evidence . . . presented by climate scientists, legal experts, academics and survivors of climate-related disasters” at hearings in Manila, New York, and London, was yes, they could be held “legally liable.” The president of the nongovernmental Center for International Environmental Law said “the commission’s recognition that there is evidence of criminal intent in the companies’ climate denial and obstruction is ‘particularly significant and a major development for the carbon majors’.” <https://www.climateliabilitynews.org/2019/12/09/philippines-human-rights-climate-change-2/>

A study published in *Nature* by a team of scientists from U.S. NASA and the European Space Agency “looked at satellite imagery from 1992 to 2018 from 26 independent data sets” and found that Greenland’s ice sheet is melting at an accelerated rate, *Ecowatch* reported. “The study finds that the acceleration in melting will mean a 3 to 5 inch rise in global sea levels by 2100.” The *Guardian* commented, “That rate will mean 400 million people will be at risk of flooding every year.” This study is consistent with the Climate Central study released in November; see *SAHR News* 2019-11. <https://www.ecowatch.com/greeland-melting-study-2641570363.html?rebelltitem=1#rebelltitem1>

Trending in the other direction, a court in New York State (U.S.) ruled for ExxonMobil in a lawsuit that alleged “Exxon misled investors by keeping two different sets of books—one for investors and another private—that detailed how the company was accounting for the costs of future climate change regulations that could affect the company’s bottom line,” *VICE News* reported. The court ruled that the prosecutor failed to prove that ExxonMobil “made any material misstatements or omissions about its practices and procedures that misled any reasonable investor.” This ruling was despite “internal Exxon research” that “showed the company knew as early as the 1970s that the burning of fossil fuels was heating the planet.” https://www.vice.com/en_us/article/bvvgg8v/exxon-just-won-that-big-climate-change-lawsuit-in-new-york

A U.S. nongovernmental group named Government Accountability and Oversight (GAO) claims that lawsuits alleging that major fossil fuel companies mislead investors and consumers about the risks of carbon pollution, including “ExxonMobil, Shell Oil and Chevron, among other corporations, represent a form of government overreach and that prosecutors are colluding with activist interest groups in an unethical manner,” *The Intercept* reported. Murray Energy’s bankruptcy filing in the U.S. State of Ohio revealed that GAO received funds from Murray, “the largest privately held coal-mining company in the United States” and that Murray donated to think tanks “focused on questioning the link between human activity and global warming,” including the Heartland Institute, Cato Institute, Freedom Works, and Judicial Watch. https://theintercept.com/2019/12/17/murray-energy-bankruptcy-climate-change/?utm_source=The+Intercept+Newsletter&utm_campaign=0277d72712-EMAIL_CAMPAIGN_2019_12_21&utm_medium=email&utm_term=0_e00a5122d3-0277d72712-134379393

Reuters reported on information from 19th century ship logs that is transcribed by volunteers and used to supplement a “huge dataset at the U.S. National Oceanic and Atmospheric Administration” to create “a dauntingly complex, high-resolution, four-dimensional reconstruction of the global climate that estimates what the weather was for every day back to 1836.” <https://www.reuters.com/article/us-climate-change-ice-shiplogs-specialre/special-report-icebound-the-climate-change-secrets-of-19th-century-ships-logbooks-idUSKBN1YF1Q7>

Freedoms. CIVICUS is a nongovernmental organization headquartered in South Africa. Its publication, *CIVICUS Monitor*, “is a research tool that provides close to real-time data on the state of civil society and civic freedoms in 196 countries. The data is generated through a collaboration with more than 20 civil society research partners, and input from a number of independent human rights evaluations.” In a new report, CIVICUS said its data show “the fundamental freedoms of association, peaceful assembly and expression are backsliding across the world. In the space of a year, twice as many people are living in countries where these civic freedoms are being violated.” <https://monitor.civicus.org/PeoplePowerUnderAttack2019/>

The Committee to Protect Journalists released its annual global survey. It found “at least” 250 journalists in jail in relation to their work, down from 273 in 2016. China has jailed the most journalists—48 in 2019, one more than in 2018; Turkey is second with 47. Strikingly, “more than half of those imprisoned were reporters publishing online.” The prison census counts only “journalists in government custody and not those who have disappeared or are held captive by non-state actors.” <https://cpj.org/reports/2019/12/journalists-jailed-china-turkey-saudi-arabia-egypt.php>

Reporters without Borders (RSF) provided its annual “worldwide round-up of journalists killed, detained, held hostage, or missing in 2019,” including professional and non-professional journalists and “media workers.” Throughout the year RSF gathers “detailed information that allows us to affirm with certainty or a great deal of confidence” that the violation was linked to the work. From 1 January to 1 December RSF recorded 49 journalists killed, 44% fewer than in 2018 and the lowest since 2003. All were killed in their own country. <https://rsf.org/en/news/rsf-yearly-round-historically-low-number-journalists-killed-2019>

Medical records. In July the United Kingdom government announced a “partnership” with Amazon to make National Health Service “content” available through Alexa, Amazon’s “virtual assistant.” Privacy International and other organizations used the Freedom of Information Act to obtain the government’s contract and email exchanges about the collaboration with Amazon. The contract was released but heavily redacted, which Privacy International is contesting. The contract “seems to clearly allow”

Amazon to use the “information provided on the NHS website for a handful of purposes, including advertising or marketing.” <https://privacyinternational.org/long-read/3298/alexa-what-hidden-behind-your-contract-nhs>

The U.S. National Academies of Sciences, Engineering and Medicine issued a report recommending that medical regulatory authorities “strengthen cooperation with other countries’ regulators to ensure the quality, safety, and efficacy of medications.” Among the key recommendations is “to promote information sharing among RAs [regulatory administrators] with the aim of protecting public health, ensuring faster access to critical medicines, and encouraging innovation in medicine and technology.” The report notes that “drug development is increasingly global” and countries have rules that make them “unable to share inspection reports and other critical safety information with each other because such reports are heavily redacted to protect trade secrets and other confidential information.” <https://www.nap.edu/read/25594/chapter/1>

Migration. Arguing that “quantifying global international mobility patterns can improve migration governance,” researchers used “anonymized and publicly available data provided by Facebook’s advertising platform” to estimate the “number of Facebook Network (FN) migrants in 119 countries of residence and in two time periods by age, gender, and country of previous residence” and published their findings in *PLOS One*. The researchers compared their estimates with official migration statistics for January-February and August-September 2018 and found the Facebook-derived estimates “successfully capture the increase in Venezuelan migrants in Colombia and Spain” and “can be used for trend analysis and early-warning purposes.” <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0224134&type=printable>

Human Rights First (HRF), a U.S.-based nongovernmental organization, issued a report on the Trump Administration’s “dangerous asylum returns” to Mexico. The report is based on interviews, “field research” in Mexico, and “observation of MPP [migrant protection protocols] immigration court hearings.” Because the U.S. Customs and Border Protection agency denied HRF’s request for access to the “tent courts” in Brownsville and Laredo, Texas, the researchers monitored the hearings “remotely.” HRF found “at least 636 public reports of rape, kidnapping, torture, and other violent attacks against asylum seekers and migrants returned to Mexico under MPP,” including “at least 138 publicly reported cases of kidnapping or attempted kidnapping of children.” Saying the MPP screening process “appears to be increasingly cursory and adversarial” and the MPP and the tent courts “a due process charade,” HRF recommended that the U.S. Congress withhold appropriations related to the MPP and “other forced return programs, hold oversight hearings, and conduct official visits to the immigration facilities, including tent courts, “to monitor the massive human rights violations caused by MPP.” (See United States below for additional items on migration over the U.S./Mexico border.) <https://www.humanrightsfirst.org/sites/default/files/HumanRightsFiascoDec19.pdf>

Privacy. *WIRED* reported that the “forensic genomics firm Verogen” bought GEDmatch, the genealogy website with a relative-matching algorithm that in 2018 was a source of data that identified the suspect in a 40-year old killing. Verogen specializes “in next-generation DNA testing services” catering to law enforcement. The Verogen chief executive said, “Never before have we as a society had the opportunity to serve as a molecular eyewitness, enabling law enforcement to solve violent crimes efficiently and with certainty.” <https://www.wired.com/story/a-dna-firm-that-caters-to-police-just-bought-a-genealogy-site/>

Slavery. The Cultural Heritage Agency of the Netherlands conducted a “pilot study” of records about its collection “for traces of slavery and colonial history” and published “a report of how the research was done and a virtual exhibition of 25 objects.” <https://english.cultureelerfgoed.nl/binaries/cultureelerfgoed-en/documents/publications/2019/01/01/traces-of-slavery-and-colonial-history-in-the-art-collection/Traces+of+Slavery+and+Colonial.pdf>

Torture. The *New York Times* published drawings by Guantánamo Bay prisoner Abu Zubaydah that show in graphic detail how he was abused and tortured in 2002 at a Central Intelligence Agency “black site.” <https://www.nytimes.com/2019/12/04/us/politics/cia-torture-drawings.html>

World War II. In Barletta, Italy, Francesco Lotoro, an Italian composer and pianist, has spent 30 years collecting music composed by prisoners during the Holocaust. In a feature story, *CBS News* reported that Lotoro “has collected and catalogued more than 8,000 pieces of music, including symphonies,

operas, folk songs, and Gypsy tunes scribbled on everything from food wrapping to telegrams, even potato sacks.” He now is building a complex in Barletta where the music can be preserved and performed. <https://www.cbsnews.com/news/holocaust-prisoners-in-nazi-concentration-camps-made-music-now-being-discovered-and-performed-60-minutes-2019-12-15/>

The Museum at Auschwitz-Birkenau announced that as early as May 2020 it will add the names of over 420,000 persons to the current 1,200,000 entries in its Digital Repository that contains the names of former prisoners and people deported to Auschwitz. The new names are taken from the transport lists of Jews deported to the camp. Obtaining material from sources in many countries is essential, because before abandoning the camp in January 1945 “the SS authorities ordered the destruction of all documentation created during the operation of Auschwitz. According to estimates, over 90% of the source materials were destroyed.” Thanks to Elzbieta Mizerska-Dyba for the information. <http://auschwitz.org/en/museum/news/destroyed-identities-the-digital-reconstruction-of-auschwitz-birkenau-victims-data.1398.html>

Bilateral and multilateral news.

Armenia/Azerbaijan. The co-chairs of the Minsk Group of the Organization for Security and Co-operation in Europe released a joint statement, acknowledging the reduction in tension over Nagorno-Karabakh and calling on “the sides to redouble efforts to assist the International Committee for the Red Cross to exchange data on missing persons.” <https://www.osce.org/minsk-group/441242>

Balkan wars. *BIRN* launched an updated war crimes verdicts map “including all the final war crimes verdicts that are available from 42 different domestic courts in Bosnia and Herzegovina, Croatia, Montenegro, Kosovo and Serbia” as well as the International Criminal Tribunal for the Former Yugoslavia. https://balkaninsight.com/2019/12/18/birn-launches-updated-map-of-balkan-war-crime-verdicts/?utm_source=Balkan+Insight+Newsletters&utm_campaign=4d99a2619e-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-4d99a2619e-319725265

Kosovo’s acting Foreign Minister told a press conference that he gave the Kosovo Specialist Prosecutor “10,000 pages of documents that have not yet been used in trials” that “prove the Serbian genocidal policy against Kosovo.” He also alleged that the Serbian Interior Ministry “falsified documents” that were given to “Council of Europe rapporteur Dick Marty,” whose report “eventually led to the establishment of the Hague-based Kosovo Specialist Chambers, which will put KLA [Kosovo Liberation Army] ex-fighters on trial for crimes committed between 1998 and 2000.” In response, the Serbian Foreign Minister said he had “tons of material that says best who expelled who from Kosovo and Metohija” and was ready “to give it to war crimes prosecutors in The Hague,” *BIRN* reported. https://balkaninsight.com/2019/12/18/kosovo-minister-gives-prosecutor-documents-proving-serbian-crimes/?utm_source=Balkan+Insight+Newsletters&utm_campaign=4d99a2619e-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-4d99a2619e-319725265

El Salvador/Spain/United States. Former Salvador Deputy Defense Minister Innocent Montano and former Army lieutenant Rene Yushy Mendoz, accused of the 1989 deaths of 5 Spanish Jesuit priests, their housekeeper and her daughter in El Salvador, will be tried in Madrid in June and July 2020, *EFE* reported. Mendoza was extradited from the U.S. to Spain in 2017. For background, see *HRWG News* 2017-11. <https://es-us.noticias.yahoo.com/excoronel-salvadore%C3%B1o-juzgado-espa%C3%B1a-2020-115314667.html>

Georgia/Germany/Russia. Germany’s General Federal Prosecutor took over from Berlin police the case of the murder in August of Zelimkhan Khangoshvili of Georgia. A man who carried a passport bearing the name Vadim Sokolov was arrested and charged with the killing. At the time there was suspicion that he was a Russian contract killer, but the government was unwilling to acknowledge that, saying it did not have enough evidence. According to *Der Spiegel*, “The turning point came about a month ago when officials at the Berlin State Criminal Police Office discovered a five-year-old Interpol red notice in the files--a manhunt request from Russia” for a man named Vadim Krasikov, alleged to have murdered a man in Moscow in 2013. The “manhunt photo was strikingly similar to the one of detained murder suspect Sokolov. Experts who have seen the image say it is ‘highly likely’ that it is the same person. Comparisons of the photos conducted by *DER SPIEGEL* and *Bellingcat* using facial recognition software and three different photos of Krasikov and one of Solokov showed matches of 82 to 90 percent.” <https://www.spiegel.de/international/world/how-russian-agents-hunt-down-kremlin-opponents-in-europe-a-1300091.html>

Guatemala/United States. In November the United States deported Juan Alecio Samayoa Cabrera to his native Guatemala; he had been in the U.S. for more than 25 years. “Upon his arrival in Guatemala, authorities immediately detained Samayoa, who faces charges for his alleged role in more than 150 human rights abuses, including torture, rape, and extrajudicial killing, in the department of El Quiché in the early 1980s,” *International Justice Monitor* reported. “At the height of the Guatemalan civil war in the early 1980s, Samayoa was a civil patrol leader and a military commissioner;” he worked “closely” with another military commissioner, Candido Noriega, who was convicted of murders in 1999. “Guatemalan court documents that led to the conviction against Noriega name Samayoa alongside his former associate as responsible for 38 alleged murders and dozens of kidnappings and other crimes carried out in 1982 and 1983.” <https://www.ijmonitor.org/2019/12/after-25-years-in-united-states-guatemalan-accused-of-mass-atrocities-to-face-charges/>

In the wake of the Samayoa deportation and the scheduled deportation of Francisco Cuxum Albarado (see *SAHR News* 2012-10), the *Washington Post* said “many of the war’s greatest alleged offenders have found impunity for decades in the United States.” Both men “applied for asylum and were denied but remained in the United States illegally afterward,” meaning that records of their rejection should be in U.S. archives. <https://www.stripes.com/news/americas/as-guatemala-pursues-war-criminals-a-dark-secret-emerges-some-suspects-living-quiet-lives-in-us-1.612713>

Italy/Russia/Ukraine. Last summer Vitaly Markiv, a dual Ukraine-Italy citizen, was convicted by an Italian court of helping coordinate an artillery strike in Ukraine that killed an Italian war photographer. “Most of the evidence showing that he had helped” was retrieved from his electronic devices, the *New York Times* wrote. Among the evidence “presented by Italian prosecutors were reports from publications that are generally considered outlets for Russian propaganda” such as two videos from *Russia Today* and a report from the website *Russkaya*. In November the Ukrainian government, “which was made a co-defendant in the case and thus liable for economic damages, appealed the decision.” A law professor “whose expertise is in the digital distortion of evidence in court, said that, more broadly, the inclusion of material found online from disputable sources in Italian courts was ‘part of an unsettling scenario and of larger problem’.” <https://www.365news.com/2019/12/how-russian-propaganda-showed-up-in-an-italian-murder-trial/>

Middle East wars. The *Washington Post* published a 6-part exposé titled “The Afghanistan Papers: A Secret History of the War.” Using the Freedom of Information Act, the reporters battled for 3 years to gain access to 428 interviews the Special Inspector General for Afghanistan Reconstruction (SIGAR) conducted as part of its “Lessons Learned” project. The *Post* went to court and eventually got the records, although “SIGAR redacted substantial portions of many of the documents,” which the *Post* continues to challenge. The 6 stories discussed: “how officials misrepresented 18 years of setbacks,” “unclear objectives dogged the war from the start,” “the United States has wasted billions on reconstruction efforts,” “how U.S. officials allowed graft and thievery to thrive,” “creating a reliable Afghan security force proved impossible,” and “poppy farming exploded despite attempts to curb it.” <https://www.sott.net/article/425437-The-Afghanistan-Papers-A-secret-history-of-the-war>
<https://www.washingtonpost.com/graphics/2019/investigations/afghanistan-papers/afghanistan-war-confidential-documents/>

“Physicians for Human Rights (PHR) has--through a rigorous methodology that includes English and Arabic open-source research and field source corroboration—verified and mapped attacks on medical facilities and medical personnel by all parties to the conflict since 2011. By early September 2019, combatants had inflicted 583 attacks on at least 350 medical facilities.” A new report describes PHR’s interviews between June and August 2019 with 21 formerly detained Syrian health care workers, 2 women and 19 men. “The study reveals that the majority of the formerly detained health workers . . . were arrested by Syrian government forces specifically because of their status as care providers and their real or perceived involvement in the provision of health services to opposition members and sympathizers.” PHR said “the Syrian government has violated both national and international laws as well as basic medical ethics and the obligation to care for the sick and wounded without discrimination in all circumstances.” https://phr.org/our-work/resources/my-only-crime-was-that-i-was-a-doctor/?utm_source=SJAC+Weekly+Update&utm_campaign=65ed1544c9-EMAIL_CAMPAIGN_2019_01_10_02_56_COPY_01&utm_medium=email&utm_term=0_0a7405c641-65ed1544c9-90540617

The *New York Times* used “cockpit recordings to show . . . how Russian pilots attacked civilians in Syria this summer, killing dozens.” At the heart of the investigation were “intercepted cockpit recordings of Russian pilots and air controllers” which it combined with “witness video, photo data and warplane sightings.” The investigators “obtained months of flight logs recorded by a network of observers” who for years have recorded “sightings of fighter jets” and listened to “open radio communications between pilots and air traffic controllers.” <https://www.youtube.com/watch?v=BoepUsTgikI>

Poland/Russia. Every year on 30 October a Polish delegation comes to Tver, Russia, to lay flowers at the former KGB building where, “according to documents unearthed by historians and eyewitness testimony,” in 1940 several thousand Polish officers were killed by Stalin’s government. In 1991 two metal plaques were affixed to the building’s façade “with inscriptions commemorating those who died in its basement.” However, before this year’s ceremony “authorities in Tver ordered the plaques taken down,” *Radio Free Europe/Radio Liberty* reported. The local prosecutor justified the removal, writing that “crucial documents relating to the plaques’ origins are missing from the archives” and their inscriptions were “not based on documented facts.” <https://www.rferl.org/a/russia-katyn-massacre-rewriting-history-removal-plaques/30338487.html?fbclid=IwAR2znXOLTB9ubZ8ybMoiDHG7z-iDTzRnR5T5UJ026hzZJo7cPPfhgKZ3jeo>

Russia/Ukraine. In 2017 Russian authorities arrested five members of the Crimean Tatar national movement, and one of them, an 83-year-old woman named Vedzhie Kashka, died in custody. The nongovernmental Human Rights in Ukraine reported that the lawyer for Kashka’s children tried to gain access to information about the events leading up to her death and after going to court finally obtained the forensic records about it. He sent them to “independent forensic experts from Russia and Spain,” along with an “explanation of people involved in the case and the protocols of investigative activities.” The experts have now reported, giving “a detailed account of which specific actions proved fatal” and concluding “that there was a direct cause and effect relationship between the actions of the enforcement officers who carried out the arrest” and her death. The lawyer is appealing the Russian prosecutor’s refusal to launch criminal proceedings over Vedzhie Kashka’s death. http://khp.org/en/index.php?id=1576280493&fbclid=IwAR2AaTvfbxawQT7bdW_vHqppYuua314pigTtsG1gq2Bij-CmDxSe7rhUZJE

National news.

Bosnia. The Prosecutor “filed only 8 indictments against 23 individuals for corrupt acts this year, while the State Court . . . issued 6 corruption verdicts, including 5 convictions following guilt admission agreements, data collected by the *BIRN BiH* show.” Two of the state corruption verdicts “referred to abuse of position and authority, as well as falsification of an official document by state employees.” The European Rapporteur for the State of Justice presented his “Expert Report on the Rule of Law Issues in Bosnia and Herzegovina” to European Union and Bosnian officials which said there are “worrisome setbacks” in the rule of law. One of his conclusions was “that inter-agency cooperation and exchange of information is patchy and generally not satisfactory.” An amazing fact in the report: “The civil judiciary is overburdened by an untenable backlog of over 1.9 million cases relating to unpaid utility bills.” https://balkaninsight.com/2019/12/09/bosnia-courts-avoid-prosecuting-big-fish-for-corruption/?utm_source=Balkan+Insight+Newsletters&utm_campaign=ea0073fd1d-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-ea0073fd1d-319725265; <https://europeanwesternbalkans.com/2019/12/09/expert-report-on-bih-points-to-concerning-rule-of-law-deficiencies/>

Brazil. Preliminary data published by the national space research agency INPE said that Amazon deforestation “jumped to the highest level for the month of November since record-keeping began in 2015,” *teleSUR* reported. The data “was collected through the DETER database, a system that publishes alerts on fires and other types of developments affecting the rainforest.” <https://www.telesurenglish.net/news/Brazils-Amazon-Deforestation-Rises-Over-100-Year-Over-Year-20191215-0005.html>

Writing in *America’s Quarterly*, two members of the Ingarape Institute said it is “joining other researchers to monitor violence perpetrated by state and non-state actors against environmental defenders in the Brazilian Amazon.” They found that the murder rate varied from 66 to 80 defenders each year between 2015 and 2018; more than 80% of the victims were men. “Indigenous people make up a third of all documented victims, followed by landless people . . . who generally lack stable jobs and land tenure.” <https://www.americasquarterly.org/content/new-data-points-staggering-violence->

The *New York Times* reported that the “number of people officially killed by the police reached a 5-year high last year, rising to 6,220—an average of 17 people each day, according to the Brazilian Public Security Forum, which compiles government data.” However, the *Times* wrote, “even police officers acknowledge that statistics are only part of the picture. There is a parallel form of police violence, masked from the public and carried out by illegal militias that draw their ranks from officers with little patience or respect for due process, according to interviews with militia members . . . in Belem.” <https://www.irishtimes.com/news/world/killing-at-will-in-brazil-s-brazen-police-militias-1.4123728>

Chile. On December 20 “a young citizen . . . was crushed between two armored vehicles” driven by military police. The episode was broadcast live on local television; the vehicles did not have “license plates or painted numbers that could allow their subsequent identification,” *teleSUR* reported. Before the incident the UN Human Rights Office sent a mission to Chile, whose members “concluded that the military police violated human rights on multiple occasions by making ‘excessive or unnecessary’ use of force.” Between October 18 and December 21 “at least 28,000 people have been arrested, 1,610 of whom remain in prison.” https://www.telesurenglish.net/news/Chile-TV-Broadcast-Live-When-Two-Armored-Cars-Crushed-Citizen-20191221-0001.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=10

China. “China has introduced new regulations requiring people to have their faces scanned when registering new mobile phone services” with the aim of verifying “the identities of hundreds of millions of internet users,” *UCA News* reported. https://www.eurasiareview.com/03122019-new-phone-owners-in-china-need-to-have-their-faces-scanned/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

China/Hong Kong. The *Washington Post* “created a database of 65 police use-of-force incidents through mid-November, verified for authenticity by a team of law students at the University of Hong Kong.” The database “includes videos from reporters, local broadcast news outlets, student journalists and others.” The *Post* also obtained “more than 100 pages of police guidelines and training manual” about the use of force and sent both rules and database to 9 “policing experts from around the world.” The experts said “they thought that Hong Kong police went against their rules in about 70% of the incidents reviewed.” <https://thecrimereport.org/2019/12/27/hong-kong-police-ignore-guidelines-on-use-of-force/>

Ecuador. Persons of African descent make up 7.2% of the population but 40% of those living in poverty. At the conclusion of its visit, the UN Working Group on People of African Descent said it was “deeply concerned by the racialized criminalization of African Descent as a strategy to suppress or even to eliminate opposition to extractivist projects” (such as oil and gas drilling, mining, and quarrying). The Group was also “concerned by the reports of impunity and ongoing violations of the human rights of plantation workers and their families by the Japanese company Furukawa Plataciones CA” which makes workers “sign lease contracts to avoid signing employment contracts as a means to deny the employment relationship.” Among the Working Group recommendations is: “In preparation of the 2020 Census, collect, compile, analyze, disseminate and publish reliable statistical data at the national and local levels.” <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25452&LangID=E>

Finland. The Sami Parliament of Finland “officially accepted the mandate of a Truth and Reconciliation Commission . . . tasked with investigating atrocities committed against the country’s indigenous populations,” *Yle* reported. https://yle.fi/uutiset/osasto/news/sami_reconciliation_process_gains_final_approval/11123838

Germany. The Federal Commissioner for the Stasi Records said the Stasi’s in-house Potsdam Law School granted degrees for topics that “were instructions on how to abuse human rights.” Staff researchers examined the records of the school and “identified 174 doctoral theses, albeit attributed to 485 authors. In one case, a single PhD thesis was nominally authored by 10 different students.” The Commissioner said the graduates should be denied the title of “Diplom-Jurist.” The Archives posted samples of the doctoral work. <https://www.dw.com/en/the-stasis-in-house-doctorates-should-be-relabeled-says-official/a-51794794>

After *Welt am Sonntag* wrote that Holger Friedrich, the owner of the *Berliner Zeitung*, was an informer for the Stasi, Friedrich “granted access to his copy of his Stasi files to the *New York Times* and *The*

Frankfurter Allgemeine Zeitung” and “also had the former head of the Stasi archives and a historian write an official report on his files.” The report is now public. www.nytimes.com/2019/12/15/world/europe/berliner-zeitung-stasi.html

Guatemala. A court indicted retired army general Luis Enrique Mendoza Garcia, the third in command of the army 1982-1983, for genocide and crimes against humanity against the Maya Ixil population, *International Justice Monitor* reported. “The prosecution alleges that he is responsible for the authorization and implementation of Plan Victoria 82, which outlined a strategy to intensify the army’s scorched-earth operations against civilian populations in order to destroy the guerrilla units and their putative bases of social support.” The prosecution said it will present as evidence “408 death certificates of individuals killed as a result of these military actions . . . as well as forensic evidence of the massacres and official military documents.” <https://www.ijmonitor.org/2019/12/another-senior-military-official-indicted-on-genocide-charges-in-guatemala/>

India. The Citizenship (Amendment) Act came into force on 12 December; on 13 December the UN High Commissioner for Human Rights issued a statement saying, “We are concerned that India’s new Citizenship (Amendment) Act 2019 is fundamentally discriminatory in nature. The amended legislation seeks to expedite citizenship for religious minorities—naming specifically only Hindus, Sikhs, Buddhists, Jains, Parsis and Christians—fleeing persecution in Afghanistan, Bangladesh and Pakistan, who have been resident before 2014. But it does not extend the same protection to Muslims, including minority sects.” By 16 December, *South Asia Intelligence Review* reported, “all the 7 states of India’s North East have witnessed widespread protests” and partial data showed “at least 18 violent incidents” occurred resulting in 5 deaths and 144 persons injured. <https://satp.org/south-asia-intelligence-review-Volume-18-No-25;> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25425&LangID=E;>

At a rally held by Prime Minister Narendra Modi, police in Delhi “used facial recognition software to screen crowds . . . a first for India—raising concerns about privacy and mass surveillance amidst nationwide protests” against the new citizenship law, *Thomson Reuters Foundation* reported. <http://news.trust.org/item/20191230104851-3u9i7/>

Indonesia. The *New York Times* reported that foreign teachers are being given written “psychological exams” as a measure of compliance with “a 2015 government regulation that prohibits international schools from hiring foreign teachers who have ‘an indication of abnormal sexual behavior or orientation’.” The Child Protection Agency in Bekasi Regency said “it had used police records to identify 4,000 people who suffer from the ‘disease’ of being lesbian, gay, bisexual or transgender.” A spokesman for the attorney general told reporters, “We just want the normal ones. We don’t want the odd ones.” <https://www.sbs.com.au/news/a-test-for-foreign-teachers-in-indonesia-are-you-gay>

Montenegro. Parliament passed a law saying in order to retain property “religious communities would need to produce evidence of ownership of their property from before 1918,” *PanARMENIAN* reported. What documentary evidence would be accepted was not clear. https://www.eurasiareview.com/28122019-montenegro-moves-to-strip-church-of-property/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Netherlands. The Council of State ruled that the Ministry of Education, Culture and Science, the state organ responsible for the National Archives, had to decide about early access to records in the Central Archives for Special Criminal Jurisdiction (CABR) pursuant to a request by the Foundation for War Crimes Research for information about guards in the World War II Dutch concentration camps (Vught and Amersfoort) who were still alive. The 21 July 2016 refusal by the National Archives to grant access was negligent and insufficiently substantiated, the judge found. CABR contains the files of 300,000 Dutch persons accused of collaboration, treason, Nazi party membership or fighting with the German army during WW II. When the CABR was transferred to the National Archives, the Minister of Justice determined that access to the files would be restricted until 1 January 2025. Thanks to Antoon DeBaets for the information. For background, see *HRWG News* 2016-05. “[Minister van OCW moet oordelen over openbaarheid oorlogsarchieven](#),” *NRC Handelsblad* (24 December 2019); Council of State, [Judgment](#) (24 December 2019)

Nicaragua. The Commission on Human Rights (CPDH) said that from January to November 2019 it received 2,529 complaints of state-sponsored human rights violations, *Havana Times* reported. <https://havanatimes.org/features/nicaragua-hr-defenders-and-feminists-demand-justice-not-impunity/>

Nigeria. Islamic State posted a video to its online Telegram news channel purporting to show it killing 11 Christian men in Nigeria, saying this was part of a campaign to avenge the deaths of its leader Abu Bakr al-Baghdadi and its spokesman. *Reuters* reported the footage had Arabic captions but no audio. <https://af.reuters.com/article/commoditiesNews/idAFL8N2911QQ>

Pakistan. Junaid Hafeez, a lecturer at Bahauddin Zakariya University in Multan, was sentenced to death for “making blasphemous remarks during lectures and on his Facebook account.” Three UN Special Rapporteurs and the members of the UN Working Group on Arbitrary Detention “condemned” the death sentence, calling the ruling “a travesty of justice.” They pointed out that the prosecution failed to provide convincing evidence and that “some documentary evidence submitted to the court was never subjected to independent forensic review despite allegations that it had been fabricated.” https://www.eurasiareview.com/28122019-pakistan-blasphemy-death-sentence-travesty-of-justice-say-un-experts/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Papua New Guinea/Bougainville. On 11 December the residents of Bougainville, a series of islands and atolls nearly 600 miles east of the Papua New Guinea mainland, “overwhelmingly voted to break away from Papua New Guinea and form their own nation,” *National Public Radio* reported. Now exit talks will begin, as will the process of establishing fully independent institutions including a national archives. https://www.eurasiareview.com/14122019-a-mined-history-the-bougainville-referendum-oped/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29; <https://www.krwg.org/post/trying-form-worlds-newest-country-bougainville-has-road-ahead>

Romania. *BIRN* reported on the “formidable archives that Romania’s communist secret police produced” between 1948 and 1989. The archives are now controlled by the Council for the Study of the Securitate Archives,” which “gradually receives files previously held in the custody of the secret service and makes sure they are made available to those who were spied on by the Securitate but also to professionals and members of the public who show a legitimate interest.” <https://balkaninsight.com/2019/12/25/keys-mikes-spies-how-the-securitate-stole-romanians-privacy/>

Russia. Police raided opposition leader Alexei Navalny’s Anti-Corruption Foundation office after dragging him from his office. “In the moments before his brief detention, Navalny live-streamed the raid as police used power tools to saw through the door,” the *Washington Post* reported. The “official reason” for the raid (there have been multiple raids on his office this year) was the Foundation’s “refusal to take down a 2017 YouTube documentary that investigated alleged corruption involving Prime Minister Dmitry Medvedev.” Police also raided the apartment of a reporter for *Novaya Gazeta*, Russia’s biggest opposition newspaper, and arrested her; the Investigative Committee, “a federal body that functions as the country’s official anti-corruption agency, later announced that [her] apartment was searched in connection with a criminal case against a private military company. It said that authorities believe [she] could have materials confirming the company’s guilt.” The reporter “was released after an interrogation.” <https://www.msn.com/en-us/news/world/raids-and-conscription-russian-authorities-crack-down-on-kremlin-critics/ar-BBYnaDk>

South Africa. Nearly 100 years ago the University of Cape Town medical school received the skeletal remains of 9 San and Khoe indigenous people. In 2017 the remains were found during an audit of the university’s skeletal collection. “The available records” provided the first names of seven of the individuals and the surnames of two: “Abraham and Stuurman, whose descendants still live in the area.” University researchers found members of the families in 2018 and the families “requested as much information about the deceased people as possible.” The University set up an interdisciplinary research team with the families and community members, and in November the team made its report. Reburial will take place in 2020. <https://www.sapiens.org/archaeology/south-africa-repatriation/>; <https://www.news.uct.ac.za/article/-2019-11-05-sutherland-project-will-shape-historic-reburials-policy>

Taiwan. “Recently declassified National Security Bureau files showed that the former Chinese Nationalist Party (KMT) regime was keeping close tabs on *Formosa Magazine*” which organized a pro-

democracy demonstration on 10 December 1979 that turned violent. “The KMT authorities used the Incident as an excuse to arrest virtually all well-known opposition leaders.” <http://www.taipeitimes.com/News/taiwan/archives/2019/12/08/2003727185>

Tanzania. The government withdrew from Article 34(6) of the African Court Protocol, thereby revoking the right of its citizens and non-governmental organizations to file cases directly with the African Court of Justice and Human Rights. <https://ijrcenter.org/2019/12/05/as-african-court-releases-new-judgments-tanzania-withdraws-individual-access/>

United Kingdom. In answer to a Freedom of Information request by the *BBC*, the National Archives said the Home Office “sought extended closure of 668 files in November” and “those files were temporarily returned to the Home Office.” The Home Office said that the Surrey coroner will “reopen the inquest into the 1974 Guildford bombings” and relevant files are among those that the Home Office recalled. They include files from “a controversial 5-year inquiry by retired judge Sir John May that took place between 1989 and 1994 into the wrongful convictions of the Guildford Four and Maguire Seven—a case that became one of Britain’s biggest miscarriages of justice.” <https://www.bbc.com/news/uk-england-surrey-50949061>

United Kingdom/Northern Ireland. Archives “newly opened by the Public Records Office of Northern Ireland” include files concerning the violent period of “The Troubles” that provide “fresh details about those killed between 1978 and 1994,” the *Associated Press* reported. <https://globalnews.ca/news/6346631/ira-archives-killed-informers/>

United States. A new study by the National Institute of Standards and Technology (NIST) found “empirical evidence” that most current facial-recognition algorithms “exhibit demographic differentials”—that is, “an algorithm’s ability to match two images of the same person varies from one demographic group to another.” The NIST researchers “used four collections of photographs containing 18.27 million images of 8.49 million people. All came from operational databases provided by the State Department, the Department of Homeland Security and the FBI.” The *Washington Post* commented, “The study could fundamentally shake one of American law enforcement’s fastest-growing tools for identifying criminal suspects and witnesses.” Federal records show that since 2011 the FBI alone “has logged more than 390,000 facial-recognition searches of state driver’s license records and other federal and local databases.” <https://www.nist.gov/news-events/news/2019/12/nist-study-evaluates-effects-race-age-sex-face-recognition-software>; <https://www.stripes.com/news/us/federal-study-finds-racial-bias-of-many-facial-recognition-systems-1.611851>

A harrowing report from *BuzzFeed* is based on a whistleblower memo to the Department of Homeland Security in April 2018 that said immigrants held in Immigration and Customs Enforcement (ICE) jails around the U.S. were “being given incorrect medication, suffering from delays in treating withdrawal symptoms,” harming themselves, and undergoing “preventable surgeries.” The whistleblower alleged that the ICE Health Service Corps “has systematically provided inadequate medical and mental health care and oversight to immigration detainees across the U.S.” *ProPublica* obtained a video showing “the Border Patrol held a sick teen in a concrete cell without proper medical attention and did not discover his body until his cellmate alerted guards.” Federal authorities “refused to release the video and other records of [his] death to the public or Congress, citing the ongoing internal investigation,” but *ProPublica* used Texas open records laws to obtain “surveillance video, detainee logs and health records turned over to police by Border Patrol” from the Weslaco Police Department, which briefly investigated the death. <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrant-surgeries-deaths-jails-whistleblower-secret>; <https://www.propublica.org/article/inside-the-cell-where-a-sick-16-year-old-boy-died-in-border-patrol-care>

POLITICO reviewed publicly released records of 22 deaths of detainees in ICE custody between 2013 and 2018 and found “malfunctioning software and troubling gaps in use of technology, such as failure to properly document patient care or scribbling documentation in the margins of forms.” A lawyer with the nongovernmental Southern Poverty Law Center said, “What we see globally throughout the system are failures to keep comprehensive medical records that are consistent with professional norms.” [https://www.politico.com/news/2019/12/01/medical-records-border-immigration-074507?](https://www.politico.com/news/2019/12/01/medical-records-border-immigration-074507?hpid=hp-top-story%3A-immigration%3Ahomepage%2Fstory)

According to State Department data, last year “just over 2,700 immigrant visa applications were rejected for medical reasons.” A 2017 review by the U.S. Citizenship and Immigration Service (USCIS) found

that its list of about 5,000 doctors who administer immigration medical exams “included scores of doctors with histories of professional misconduct”; the agency promised to clean up the list. *ProPublica* and *Univision* decided to check USCIS’s progress. They “analyzed the disciplinary records of doctors in the top 5 states for green card applications” by using the USCIS website to find the doctors and then “looked up the medical board disciplinary record of each doctor.” They found the list still includes “dozens of doctors who improperly prescribed controlled substances . . .; some who violated patient privacy by revealing medical records to unauthorized people; some who failed to supervise assistants and technicians; and others who improperly diagnosed and documented medical conditions.” <https://www.propublica.org/article/despite-audit-doctors-with-checkered-records-can-still-decide-fate-of-green-card-seekers?>

The Government Accountability Office examined ICE enforcement (“Arrests, Detentions, and Removals, and Issues Related to Selected Populations”) from 2015 through 2018 and reported that arrests and deportations rose, including of migrants who are elderly, transgender and disabled. However, “data on detained parents or legal guardians of U.S. citizens or permanent resident minors is not collected in a readily available format, so we couldn’t report it. We recommend that ICE collect and make this data readily available, as required by ICE policy.” One startling item in the report: “U.S. officials jailed approximately 2,100 pregnant women for immigration violations in 2018 . . . bringing the increase since President Trump took office to 52%.” <https://www.gao.gov/products/GAO-20-36>

Emails sent by ICE officials that were disclosed in court filings show “how ICE used social media and information gleaned by for-profit data brokers to track down and arrest an immigrant in Southern California,” *The Intercept* reported. The man had been deported but subsequently illegally returned to the U.S. “ICE used Thomson Reuters’s controversial CLEAR database, part of a growing industry of commercial data brokers that contract with government agencies, essentially circumventing barriers that might prevent the government from collecting certain types of information.” This allowed ICE’s National Criminal Analysis and Targeting Center’s Data Analysis System to pull “data from other federal agencies, as well as commercial data brokers, to match the names of deported individuals to recent car registrations, utility bills, and mailing addresses, among other records.” <https://theintercept.com/2019/12/22/ice-social-media-surveillance/>

Note: Additional U.S. news is found in a supplement to this issue, in English only, at www.trudypeterson.com.

Conferences, publications. The 14th annual Sedona Conference Institute “eDiscovery, Data Privacy and Security” will be 5-6 March in St. Louis, Missouri, U.S. To register, see [program page here](#).

Good reads. World Health Organization: “Health and Climate Change Survey Report”: <https://apps.who.int/iris/bitstream/handle/10665/276405/9789241514972-eng.pdf?ua=1>

New York Times: Reporters who rely on public data rather than persons as sources: www.nytimes.com/2019/12/01/business/media/open-source-journalism-bellingcat.html

The New Yorker: “Blood and Soil in Narendra Modi’s India”: www.newyorker.com/magazine/2019/12/09/blood-and-soil-in-narendra-modis-india

New York Times: Personal papers show how Chase Manhattan Bank and its chairman persuaded the Carter administration to admit the Shah of Iran to the U.S. in 1979: <https://feedimo.com/story/78461898/Banks-Secret-Campaign-to-Win-Entry-to-U.S.-for-Shah-of-Iran/>

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