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**News of June 2018**

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**Commentary.**

Quincy Wright was an early 20<sup>th</sup> century U.S. international law scholar. During World War I, as he thought about a possible League to Enforce the Peace, he told his father that such a League should have, as a slogan, “for political questions, *conference* rather than *coup*. For legal questions, *court* rather than *correspondence*” (italics in original, quoted by Daniel Gorman in “International Law and the International Thought of Quincy Wright, 1918-1945,” *Diplomatic History* 41:2 (2017), 336-61.)

Wright was referring to the discussions on establishing an international court for the “peaceful settlement of international disputes,” which was created in 1920 as the Permanent Court of International Justice. Nations today have taken to heart the idea of *court* to enforce peace within the polity and strikingly often are creating special courts to handle certain kinds of cases. In May Sri Lanka created a special court to hear corruption cases; in June Ukraine established what it termed an “anti-corruption” court. Also in June, the Central African Republic created a special criminal court to investigate war crimes and crimes against humanity, while Columbia’s Congress passed a “final” law on the courts known as the “Special Jurisdiction for Peace” (see below for citations). The new courts, like the then-new Permanent Court of International Justice, have an immediate, acute need for good archival operations. No court can legitimately judge without evidence, and the prosecutors and the defense counsel equally need good record-keeping systems to litigate cases successfully, whether in a civil or common law system or in a blend of both.

Further, when the court is closing, the judges, the registrar, the prosecutors, and the defense need to know—or establish—what will happen to the records. In June the prosecutor at the International Crimes Tribunal in Bangladesh, a special court trying cases of war crimes and crimes against humanity that occurred during the 1971 Bangladesh independence war, turned over four case files to the national archives. These records, like those produced by special courts everywhere, are highly politically sensitive and require robust security. After all, special courts are set up to handle unusually difficult cases, and it can be in the interests of parties—whether winning or losing—to have at least some of the evidence disappear. Prosecutors in these special jurisdictions acquire much more evidence than they ultimately use, choosing whom to prosecute and which charges to bring. Access to the accumulated prosecutorial records requires careful archival review and informed consideration of the consequences of the release of records not ultimately used in court, as well as the records that were sealed by the court itself. (This is also true for the temporary international tribunals, such as those that judged genocide cases in Rwanda and the Balkans, where the prosecutorial records are vast and the court records contain sealed sections.)

The creation of special courts illustrates the caboose nature of archives: archivists do not drive the establishment of establish special courts, but once established, archives must deal with the records: courtroom transcripts, evidence, audiovisual products, records of prosecutors, chambers, registry, witness protection, and the deliberations of judges (see, for example, the decision by the Supreme Court of Canada on the records of its deliberations in *HRWG News* 2018-05). And archivists usually have no say in whether the records are sent to the national archives, to the archives of the regular court system, or to a special body for at least a temporary period. But as the train of litigation moves forward, archivists must be along for the ride.

## International news.

International Criminal Court (ICC). In a 3-2 decision, the Appeals Chamber overturned Jean-Pierre Bemba's conviction for war crimes and crimes against humanity. He had been convicted for "failure to deter and punish his Movement for Liberation of Congo fighters who committed rape, murder and pillaging" in the Central African Republic when he was vice president of the Democratic Republic of Congo. The appeals judges said that Bemba's powers to control his troops and investigate crimes faced "logistical difficulties" of a "remote commander" of troops stationed in a foreign country, the *International Justice Monitor* reported. The decision was heavily criticized by lawyers and activists.

<https://www.ijmonitor.org/2018/06/bemba-acquitted-of-war-crimes-at-the-icc/>; <https://ilg2.org/2018/06/24/the-impact-of-the-appeals-chamber-decision-in-bemba-impunity-for-sexual-and-gender-based-crimes-part-i/>

International Independent Commission of Inquiry on the Syrian Arab Republic. In a report, the Commission said that both the Syrian army and rebel forces committed war crimes as they fought for control of Eastern Ghouta, a Damascus suburb that fell to the government in early April. The Commission was denied access to Syria, but "relied primarily on first-hand accounts" from "140 interviews conducted in person in the region and from Geneva. Photographs, video recordings, satellite imagery, and medical records were collected and analysed. Reports from Governments and non-governmental sources, academic analyses, and United Nations reports were reviewed."

<https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23226&LangID=E>

Organization for the Prohibition of Chemical Weapons (OPCW). Explaining that its conclusions "are based on separate witness testimony, epidemiological analysis and environmental samples," OPCW said that the nerve agent sarin and toxic chemical chlorine were "very likely" used as weapons in two attacks in central Syria on March 24 and 25. The report was released on June 13; at that time OPCW was not authorized to state the source of the attack, but at its meeting on June 29 the OPCW member states voted to give the organization the authority to assign blame, *DW* reported.

<https://www.opcw.org/news/article/opcw-confirms-use-of-sarin-and-chlorine-in-ltamenah-syria-on-24-and-25-march-2017>; <https://www.dw.com/en/opcw-members-vote-to-grant-it-power-to-assign-blame-for-chemical-attacks/a-44430184>

United Nations. The Special Rapporteur (SR) on the promotion and protection of the right to freedom of opinion and expression issued "the first-ever UN report that examines the regulation of user generated online content." He reviewed "the role of States and social media companies in providing an enabling environment for freedom of expression and access to information online" through "a year-long series of consultations, visits to major internet companies and a wide range of State and civil society input." The SR urged States to "reconsider speech-based restrictions and adopt smart regulation targeted at enabling the public to make choices about how and whether to engage in online fora." He also conducted "an in-depth investigation of how Internet companies moderate content on major social media platforms" and argued that "human rights law gives companies the tools to articulate their positions in ways that respect democratic norms and counter authoritarian demands."

<https://freedex.org/a-human-rights-approach-to-platform-content-regulation/>

The UN Special Representative (SR) for Children and Armed Conflict reported to the Security Council that in 2017 "there was a large increase in the number of violations compared with the number reported for 2016, with at least 6,000 verified violations by government forces and more than 15,000 by a range of non-State armed groups." The SR said, "All the information provided in the report has been vetted for accuracy by the United Nations. In situations where the ability to verify information was hampered by factors such as insecurity or access restrictions, it is qualified as such."

Human Rights Watch harshly criticized the report, saying it did not report on a number of countries where serious violations have occurred. <http://undocs.org/s/2018/465>; <https://www.hrw.org/news/2018/06/27/un-dangerous-double-standard-children-conflict>

Women who work for the United Nations say the measures taken by the UN to hold employees accountable for sexual misconduct “sidestep the deep structural problems.” A woman who had been assaulted by a colleague at the World Food Program took her complaint to the agency, which wrote a one page document saying that it did not believe her story. An investigation a year later asked her “lurid questions.” She shared the files on her case with the *New York Times*, saying the records “read like a manual in how not to investigate a sexual assault.” <https://www.nytimes.com/2018/06/29/world/united-nations-sexual-assault.html>

United Nations High Commissioner for Human Rights (OHCHR). OHCHR issued its first-ever report on the abuses by both India and Pakistan in the disputed region of Kashmir. Because OHCHR was denied permission to visit the territory, the report was based on “remote monitoring,” drawing on “information that is mostly available in the public domain, some of which was obtained by various parties in India through the Right to Information Act, and . . . the findings of research and monitoring carried out by local, national and international nongovernmental organizations (NGOs) and human rights defenders. Wherever possible, OHCHR has used official documents and statements, such as Parliamentary questions, court orders, and police reports. OHCHR considers the Press Trust of India—India’s largest news agency and managed by an autonomous trust—as a reliable source to quote Indian authorities and official statements. OHCHR conducted a small number of interviews to corroborate information.”

<https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune2016ToApril2018.pdf>

The United States withdrew from the Human Rights Council.

[https://www.huffingtonpost.com/entry/united-states-withdraws-human-rights-council\\_us\\_5b292ba6e4b05d6c16c7efe6](https://www.huffingtonpost.com/entry/united-states-withdraws-human-rights-council_us_5b292ba6e4b05d6c16c7efe6)

United Nations High Commissioner for Refugees (UNHCR). In its annual *Global Trends* report, UNHCR said “68.5 million people were displaced as of the end of 2017. Among them were 16.2 million people who became displaced during 2017 itself, either for the first time or repeatedly--indicating a huge number of people on the move and equivalent to 44,500 people being displaced each day, or a person becoming displaced every two seconds.” <http://www.unhcr.org/en-us/news/press/2018/6/5b27c2434/forced-displacement-above-68m-2017-new-global-deal-refugees-critical.html>

World Health Organization (WHO). The Independent High-Level Commission on NCDs (non-communicable diseases) issued its report. The Commission noted that “the existing global accountability framework and reporting instruments . . . are too complex for most countries.” It said a “simplified global accountability framework . . . is essential to monitor overall progress” and achieve UN Sustainable Development Goal 3.4 to reduce premature mortality from NCDs. Records are essential to accountability. [https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(18\)31258-3.pdf?code=lancet-site](https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(18)31258-3.pdf?code=lancet-site)

STAT reported on the release of the WHO Mental Health Atlas, which said investment in mental health care falls short: “Most countries don’t have suicide prevention strategies,” and there is a worldwide shortage of mental health workers. The findings are based on a questionnaire sent to all 194 WHO member states, 177 of whom “at least partially completed” it.

[http://apps.who.int/iris/bitstream/handle/10665/272735/9789241514019-eng.pdf?ua=1&utm\\_source=STAT+Newsletters&utm\\_campaign=cd402f140c-MR\\_COPY\\_09&utm\\_medium=email&utm\\_term=0\\_8cab1d7961-cd402f140c-149736437](http://apps.who.int/iris/bitstream/handle/10665/272735/9789241514019-eng.pdf?ua=1&utm_source=STAT+Newsletters&utm_campaign=cd402f140c-MR_COPY_09&utm_medium=email&utm_term=0_8cab1d7961-cd402f140c-149736437)

World Bank. The Bank produced two unusual reports in June. In one, researchers used data from the World Values Survey and “language textbooks, historical records, academic work by linguists, and—in a small number of cases—firsthand accounts from native speaker and translators” to look at the social impact of “gender languages” that assign many nouns “to distinct sex-based categories, masculine and feminine.” They concluded, “Gender languages appear to reduce women’s labor force participation and perpetuate support for unequal treatment of women.” [http://documents.worldbank.org/curated/en/405621528167411253/Gendered-language?cid=DEC\\_PolicyResearchEN\\_D\\_INT](http://documents.worldbank.org/curated/en/405621528167411253/Gendered-language?cid=DEC_PolicyResearchEN_D_INT)

The second research report concerned the “long-run and gender-equalizing impacts of school access evidence from the first Indochina war.” The researchers used three sets of data: the “1997-1998 round of the Vietnam Living Standards Survey” conducted by Vietnam’s General Statistical Office in 6,000 “nationally representative” households across the country, which includes “information on respondents’ date of birth, place of birth, whether they have moved from their birthplace or not and the age at migration (if they have moved from their birthplace)”; UNESCO’s WIDE database of 2017; and the World Bank’s 2017 World Development Indicators. Comparing school age children who were part of a mass education program conducted by the Democratic Republic of Vietnam (DRV) in its occupied areas during the 1946-1954 war to children living in French-occupied areas, they found that DRV girls had a “statistically significant” advantage in higher levels of education and that the advantage carried forward: the “affected girls enjoyed higher household living standards, had more educated spouses, and raised more educated children.” <http://documents.worldbank.org/curated/en/442851529499024711/The-long-run-and-gender-equalizing-impacts-of-school-access-evidence-from-the-first-Indochina-war>

### World/general news.

Business records. The European Coalition for Corporate Justice (ECCJ) published “ten key features for effective, comprehensive mandatory human rights due diligence legislation (HRDD).” Number 4 says, “Companies are required to put in place appropriate due diligence measures, and to report on their adoption and outcomes,” clearly requiring good records programs. Further, number 8 says a law should include “a general obligation for the defendant company to disclose evidence relevant to the case, in particular concerning the relationship and communication with the entity that has caused or contributed to the harm, when ordered to do so by a judge,” again requiring records. The ECCJ helpfully described three “generations of regulation” that can be observed in countries: the first generation “concentrates on HRDD reporting obligations,” the second “includes risk identification, the obligation to take action and to report on measures taken, including their outcomes,” and the third “explicitly links HRDD obligations to existing (civil) corporate liability.” [http://corporatejustice.org/documents/publications/eccj/2018eccj-position-paper-mhrdd-final\\_june2018.pdf](http://corporatejustice.org/documents/publications/eccj/2018eccj-position-paper-mhrdd-final_june2018.pdf)

The U.S. Ninth Circuit appeals court heard a case brought by six people who “were kidnapped from Mali as children in the 1990s and forced to work on Ivory Coast cocoa plantations” whose “cheaply produced cocoa beans” were used by Nestle and Cargill, reported *Courthouse News Service*. For background, see *HRWG News* 2017-03. The same court ruled that the chocolate manufacturer Mars “has no obligation to say on its wrappers that the cocoa it uses may have been the product of child slave labor.” <https://www.courthousenews.com/chocolatiers-face-tough-slog-in-slave-labor-appeal/>

France placed Lafarge SA “under formal investigation” on charges of violating a European Union embargo on oil purchases and for endangering the lives of its employees to keep its Syrian cement plant running as the civil war raged there, *France24* reported. For background, see *HRWG News* 2017-06. <http://www.france24.com/en/20180628-french-firm-lafarge-charged-complicity-crimes-humanity-syria>

At a workshop preceding the meeting of the African Commission on Human and People's Rights, participants were asked to identify the economic sectors they considered the deadliest for human rights defenders in Africa. "They almost unanimously identified the mining sector, followed by oil, gas and coal and thirdly agribusiness." The Business and Human Rights Resource Centre introduced tools "designed for civil society organisations and defenders to document and resist attacks: they include a database of attacks and a documentation checklist used to fill out the database." Users must have good security for the database. <https://www.ishr.ch/news/ngo-forum-human-rights-defenders-working-businesses-face-specific-risks-africa>

Climate change. Using satellite data that the U.S. University of Maryland prepares to track changes in the forest areas around the world, Global Forest Watch released a report on "tree cover loss" around the world. It said the world's tropical forests lost ca. 39 million acres of trees in 2017, "an area roughly the size of Bangladesh." Although "forest conservation could provide nearly 30 percent of the solution for limiting global temperature rise to 2 degrees C, the limit scientists say is necessary for preventing the worst impacts of climate change, only 2 percent of climate finance goes to the forest sector. If the world is serious about curbing climate change, all countries need to step up efforts to reduce deforestation." <https://blog.globalforestwatch.org/data/2017-was-the-second-worst-year-on-record-for-tropical-tree-cover-loss>

Global Witness, a U.K. based nongovernmental organization, released a report saying there is "systematic illegal logging" in the Democratic Republic of the Congo (DRC) by Norsudtimber (Liechtenstein) and that many other countries are "failing to stop" the timber trading that causes environmental damage, with "enormous consequences" to those living in the DRC "but also on global climate." In its annex on evidence, Global Witness said, "The two key documents that we collected for our analysis were the contrats de concession forestiere (concession contracts) and the plans de gestion (four-year management plans). Alongside these document we also examined the clauses sociales (social agreements) and avenants aux clauses sociales (amendments to social agreements). . . we also undertook satellite imagery analysis to determine whether Norsudtimber was logging within authorized perimeters." <https://www.globalwitness.org/en-gb/press-releases/new-investigation-reveals-systemic-illegal-logging-european-company-drc/>

Labor. The International Trade Union Confederation published "Global Rights Index 2018," based on the results of questionnaires "sent to 331 national unions in 163 countries to report violations of workers' rights" (142 reported) and analysis of national legislation. Some of the key findings are that 87% of countries have violated the right to strike, 81% deny some or all workers collective bargaining, workers were arrested in 59 countries and trade unionists were murdered in 9 countries. <https://www.ituc-csi.org/IMG/pdf/ituc-global-rights-index-2018-en-final-2.pdf>

Medical records. The London School of Hygiene & Tropical Medicine (LSHTM) announced that it is building an Emergency and Epidemic Data Kit, "a comprehensive toolkit for data in emergencies." The team has been supporting the Democratic Republic of Congo's Ministry of Health to collect and manage the data on the outbreak of the Ebola virus. LSHTM says it has "some of the best clinical researchers in the world on this team and they are absolutely focused on the data, because they believe that data saves lives." <http://news.trust.org/item/20180531115047-4cnfp/>

Privacy. *Wired* reported that the open source genealogy database GEDMatch--"which houses nearly a million voluntarily contributed genetic profiles—changed its terms of service to explicitly allow law enforcement to use it." It is the first such site "to formally open its data riches to the police." <https://www.wired.com/story/police-will-crack-a-lot-more-cold-cases-with-dna/>



The *San Diego Union-Tribune* reported, “Customers will soon be able to sell or rent their DNA to scientists who are trying to fight diseases as different as dementia, lupus and leukemia.” A “bio-broker” company named Nebula Genomics “wants people to contribute their entire genome,” which Nebula would fully sequence. The contributor “could then sell or rent the data on Nebula’s data exchange” and “be paid in some form of cryptocurrency that could be converted to dollars.” <http://www.sandiegouniontribune.com/news/science/sd-me-genes-consumerguide-20180514-story.html>

Sixty-six nongovernmental organizations sent a joint letter to Jeffrey Bezos, chief of Amazon.com, expressing “profound concerns about your company’s facial recognition system, Rekognition. . . . Amazon should not be in the business of providing surveillance systems like Rekognition to the government.” American Civil Liberties Union affiliates in three U.S. states reported that “Amazon is helping governments deploy it on both coasts” and the software “is primed for abuse in the hands of governments.” They urge Amazon to “take Rekognition off the table for governments.” <https://www.aclu.org/letter-nationwide-coalition-amazon-ceo-jeff-bezos-regarding-rekognition>

*Wired*, quoting the *New York Times*, reported that for the past decade “Facebook had deals with 60 companies, granting those firms access to information like users’ relationship status, religion, political leaning, events they planned to attend, and whether the user was online.” [https://www.wired.com/story/a-new-privacy-problem-could-deepen-facebooks-legal-trouble?mbid=nl\\_060518\\_daily\\_list3\\_p3&CNDID=53684912](https://www.wired.com/story/a-new-privacy-problem-could-deepen-facebooks-legal-trouble?mbid=nl_060518_daily_list3_p3&CNDID=53684912)

World War II. The Prime Minister of Finland announced an investigation into the “actions carried out by Finnish volunteers of the Waffen-SS Wiking Division in 1941-1943,” *YLE* reported. The research will be based on “the examination of archive material” and is to be completed by the end of November. [https://yle.fi/uutiset/osasto/news/finland\\_calls\\_for\\_probe\\_of\\_finnish\\_ss\\_soldiers\\_possible\\_role\\_in\\_war\\_crimes\\_during\\_wwii/10233194](https://yle.fi/uutiset/osasto/news/finland_calls_for_probe_of_finnish_ss_soldiers_possible_role_in_war_crimes_during_wwii/10233194)

*DW* published a feature story on children who were kidnapped by the Nazis in occupied Poland and given to German parents to raise: “forcibly Germanized.” One of the children, now a retired engineer, sued Germany for “a one-time grant of state aid” as compensation for his kidnapping. The first instance court ruled that “stolen children” are not eligible for compensation under current German compensation law. He intends to appeal. <https://www.dw.com/en/no-compensation-for-lebensborn-children-abducted-by-nazi-ss/a-44556995>

## **Bilateral and multilateral news.**

Africa. The *Associated Press* (*AP*) reported that in the past 14 months Algeria has expelled more than 13,000 people, forcing them to walk through the Sahara “sometimes at gunpoint, under temperatures of up to 48 degrees Celsius (118 degrees Fahrenheit).” Most were headed to Niger, with the rest going towards Mali. Since the International Organization for Migration (*IOM*) began counting in May 2017, 11,276 people have crossed to Niger on foot. *IOM* estimates “that for every migrant known to have died crossing the Mediterranean, as many as two are lost in the desert—potentially upwards of 30,000 people since 2014.” *AP* interviewed “more than two dozen survivors” in Niger and their “accounts are confirmed by multiple videos collected by the *AP* over months, which show hundreds of people stumbling away from lines of trucks and buses,” including a film from a cellphone a deportee kept “hidden on his body.” <https://www.apnews.com/9ca5592217aa4acd836b9ee091ebfc20>

Balkans. The Humanitarian Law Center, a nongovernmental organization in Belgrade, Serbia, published a dossier titled “The JNA [Yugoslav People’s Army] in the Wars in Croatia and B/H [Bosnia-Herzegovina].” Covering the period from the end of the 1980s up to May 1992, it “explores how the JNA and the political leadership of the

Socialist Federative Republic of Yugoslavia and Serbia prepared for the wars, the JNA's involvement in the conflicts, and its contribution to achieving the wartime goals of Serbia, the Republic of Serbian Krajina and Republika Srpska." The dossier includes military documents, original and in English translation, which confirm its findings. [http://www.hlc-rdc.org/wp-content/uploads/2018/06/Dosije\\_JNA\\_eng\\_inter.pdf](http://www.hlc-rdc.org/wp-content/uploads/2018/06/Dosije_JNA_eng_inter.pdf)

France/Rwanda. Historians denounced the continued closure of French records relating to the Rwanda genocide, reported *La Croix*. <https://www.la-croix.com/Monde/Afrique/A-quand-louverture-reelle-archives-2018-06-24-1200949861>

Germany/Syria. Germany issued an arrest warrant for Jamil Hassan, the head of the Syrian Air Force Intelligence Directorate, accusing him of crimes against humanity, *DW* reported. "The warrant alleges that Hassan ordered his forces to torture, murder and commit sexual crimes against hundreds of detainees in Syria between 2011 and 2014." The warrant is based on the testimony of 24 Syrian survivors of torture and "on thousands of photographs of images of torture victims taken by a military photographer known simply as Caesar." <https://www.dw.com/en/germany-issues-international-arrest-warrant-for-syrian-intelligence-chief-reports/a-44132109>

Middle East war. Researchers from two U.S. universities and the Human Rights Data Analysis Group reported on a 4-year project to use "a data-indexing method called 'hashing with statistical estimation'" to more "accurately and efficiently estimate the number of identified victims killed in the Syrian civil war." Using records from four databases, the researchers estimated that 191,874 people were killed between March 2011 and April 2014, "with a range of error of plus or minus 1,772." The method "provides a means to resolve duplication in large comparable datasets." <https://www.e-publications.org/ims/submission/AOAS/user/submissionFile/33396?confirm=dbcb4175>

*AFP* reported that the Free Syrian Lawyers group is "working to preserve property deeds and other civil paperwork in Syria's opposition areas. They enter town registries, photograph the documents, carefully log and organize them, then smuggle the hard drives across Syria's sealed northern border with Turkey." They have copied about 1.7 million "court records, wills, birth, marriage and death certificates" and 450,000 "land-related documents from northern and central Syria—title deeds, contracts, and other papers that displaced Syrians could use to prove property ownership." One hard drive is in Turkey and the other is in "an undisclosed European city." <https://borneobulletin.com.bn/in-rebel-syria-a-race-to-save-precious-property-deeds/>

United Kingdom/United States. The UK Parliament's Intelligence and Security Committee issued two reports "on the actions of the UK security and intelligence agencies in relation to the handling of detainees overseas and rendition." It found that British personnel aided other countries (primarily the U.S.) in sending suspects to places where there was a high probability of mistreatment; "found 13 incidents where UK personnel witnessed at first hand a detainee being mistreated by others; 25 incidents where UK personnel were told by detainees that they had been mistreated by others; . . . 128 incidents recorded where Agency officers were told by foreign liaison services about instances of mistreatment," and "found 232 cases where UK personnel continued to supply questions or intelligence to liaison services after they knew or suspected mistreatment, and 198 cases where UK personnel received intelligence from liaison services which had been obtained from detainees who they knew had been mistreated - or with no indication as to how the detainee had been treated but where we consider they should have suspected mistreatment." The report is based on 50 hours of oral evidence and 40,000 original documents. <http://isc.independent.gov.uk/news-archive/28june2018>

Uganda/United Kingdom. Uganda's Tourism Board announced that it will build a war museum documenting "[a]trocities committed under ex-President Idi Amin's brutal

eight-year rule and by the Lord's Resistance Army," *BBC News* reported. "Colonial records were systematically destroyed by Britain in a purge known as 'operation legacy'. But the war museum is expected to document some events from the period." <https://www.bbc.com/news/world-africa-44330128>

## **National news.**

Australia. Ending the largest human rights class action in Australia's history, 1,693 former Manus Island detainees have been awarded \$70 million in compensation, reported *SBS News*. For background, see *HRWG News* 2017-09. <https://www.sbs.com.au/news/former-manus-island-detainees-paid-70-million-in-compensation>

Australia passed national security legislation that adds 38 new crimes "including stealing trade secrets on behalf of a foreign government and broadens the definitions of existing crimes like espionage," the *New York Times* reported. The laws include "severe punishments for sharing classified information, including several years in prison." The director for Australia at Human Rights Watch said, "The problem remains that the definition of national security is overly broad and includes the political military and economist interests with other countries." <https://www.nytimes.com/2018/06/28/world/australia/australia-security-laws-foreign-interference.html>

Bangladesh. "The investigation agency of the International Crimes Tribunal (ICT) handed over the documents of four war crimes cases to the Directorate of Archives and Libraries," *The Daily Star* reported. This is the first archival accession from the ICT. <https://www.thedailystar.net/city/archiving-war-crimes-starts-1588978>

Brazil. The presidential office for strategic affairs issued a report on the economic costs of crime in Brazil. According to government statistics and other records, public spending on crime fighting increased by over 170% since the 1990s, but "violent crimes rates have steadily risen over the same period." [http://www.secretariageral.gov.br/estrutura/secretaria\\_de\\_assuntos\\_estrategicos/publicacoes-e-analise/relatorios-de-conjuntura/custos\\_economicos\\_criminalidade\\_brasil.pdf](http://www.secretariageral.gov.br/estrutura/secretaria_de_assuntos_estrategicos/publicacoes-e-analise/relatorios-de-conjuntura/custos_economicos_criminalidade_brasil.pdf)

The National Council of Justice reported that "in 2017 there were 1,448,716 cases related to domestic and family violence (against women) that were processed in state courts. It's, on average, equivalent to 13.8 cases for every 1000 Brazilian women." Even more disturbing, the "perpetrators of 10,786 cases of femicide in Brazil have gone unpunished in 2017," *telesur* reported. [https://www.telesurtv.net/english/news/Brazil-Impunity-10786-Unprosecuted-Cases-of-Femicide-in-2017-20180627-0008.html?utm\\_source=planisys&utm\\_medium=NewsletterIngles&utm\\_campaign=NewsletterIngles&utm\\_content=9](https://www.telesurtv.net/english/news/Brazil-Impunity-10786-Unprosecuted-Cases-of-Femicide-in-2017-20180627-0008.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=9)

The Institute of Public Safety issued a study showing that "the number of persons killed by police in the state of Rio de Janeiro increased by 46% in May 2018 when compared to May 2017"—142 persons in May 2018 and 97 in 2017, *telesur* reported. [https://www.telesurtv.net/english/news/Brazil-Police-in-Rio-Are-Killing-More-People-Than-Ever-as-Lawmakers-Turn-A-Blind-Eye-20180616-0003.html?utm\\_source=planisys&utm\\_medium=NewsletterIngles&utm\\_campaign=NewsletterIngles&utm\\_content=8](https://www.telesurtv.net/english/news/Brazil-Police-in-Rio-Are-Killing-More-People-Than-Ever-as-Lawmakers-Turn-A-Blind-Eye-20180616-0003.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=8)

Bulgaria. The Bulgarian Helsinki Committee "condemned Bulgaria's State Agency for National Security (SANS) after it refused, for the second time," to provide "the number of requests made to a court from the . . . units of SANS in 2013 for the use of special intelligence means (SIM); the number of applications for the use of SIM that were approved by the court in 2013; and the number of persons in respect to whom the court authorized SANS to use SIM in 2013." SANS claimed the information was classified; the Committee said numbers are not classified. <https://www.liberties.eu/en/news/bulgaria-national-security-agency-foi/15228>



Canada. *CBC News* reported that some “Catholic order have still not turned over promised records to the research centre created as a repository for the documented history of residential schools.” For background, see *HRWG News* 2016-05. <http://www.cbc.ca/news/indigenous/catholic-orders-residential-school-records-1.4686472>

The *Globe and Mail* reported that the government’s Security Intelligence Review Committee found that the Canadian Security Intelligence Service “continues to collect—and keep—too much data about ordinary citizens and there is evidence some of this material is being ‘retained unlawfully’.” <https://www.theglobeandmail.com/politics/article-in-spite-of-past-warnings-csis-continues-to-harvest-troves-of-data-on/>

The government of Quebec lifted the confidentiality on 300,000 adoption files for children adopted between the years 1920 and 1970, allowing them to know the identity of their biological parents, *Radio-Canada* reported. <https://ici.radio-canada.ca/nouvelle/1106996/orphelins-adoption-levee-sceau-confidentialite-mouvement-retrouvailles>

Central African Republic. Parliament passed a law “creating a special criminal court to investigate allegations of war crimes and crimes against humanity” between 2003, when Francois Bozize seized power, and 2015, *Reuters* reported. The tribunal will be composed of both national and international judges. <https://af.reuters.com/article/topNews/idAFKCN1IWOK1-OZATP>

Colombia. Congress approved the final procedural law needed for the Special Jurisdiction for Peace, the courts created by the peace agreement between the government and the FARC rebel group to handle the cases deriving from the civil war, *Prensa Latina* reported. The legislation was modified to establish special procedures for military cases; FARC leaders told the UN mission in Colombia that it opposed the changes. The law must go to the Constitutional Court for review. <http://www.plenglish.com/index.php?o=rn&id=30333&SEO=concerns-about-special-justice-for-peace-at-un-farc-meeting>

Czech Republic. The National Archives took possession of the “recently discovered film and audio recordings of the 1950s show trial of Rudolf Slansky and others,” reported *Radio Prague*. The recordings had been held by the National Film Archives, which is under the Ministry of Culture, but “a spokesperson for the National Archives (which comes under the Ministry of the Interior) said however that it should oversee the recordings under Czech law.” For background, see *HRWG News* 2018-03. <http://www.radio.cz/en/articles/549773>

Gambia. At a protest against sand mining in Faraba Banta village, police fired into the crowd and killed three protesters. The president appointed a commission of inquiry to investigate the incident, reported *allafrica*. Maintaining the commission’s records will be important to the inquiry, which is to be completed within a month. <https://allafrica.com/stories/201806220291.html>

Guatemala. After the May 23 guilty verdict against four senior military officers for crimes against humanity, aggravated sexual assault, and enforced disappearance in the Molina Theissen case, the court on May 28 ordered the government to implement reparations measures, the *International Justice Monitor* reported. Among them, the court said the Congress “shall approve Law 3590, which calls for the creation of a National Commission on the Search for Disappeared Persons, as well as create a national registry of victims.” The advocate for the Molina Theissen family urged the court to order the declassification of military archives, which the court apparently did not specify. For background, see *HRWG News* 2018-05. <https://www.reprew.ijmonitor.org/2018/06/molina-theissen-case-court-orders-creation-of-a-commission-to-search-for-disappeared-persons-and-other-reparations/>

Honduras. For ten days beginning on 29 November 2017, thousands of people took to the streets, protesting what they viewed as electoral fraud. Security forces detained more than a thousand people for alleged curfew violations and arrested “dozens more” for alleged involvement in violence during the protests. Most have been released. Amnesty International (AI) “conducted in-depth interviews with people who were detained . . . and as far as possible corroborated information with other available sources, including available court records and written documentation as well as in meetings with state officials” and “documentation compiled by various civil society organizations.” AI concluded that “the methods used by the authorities to suppress and punish protesters and those allegedly responsible for the unrest . . . violated international human rights standards which state that the use of force must be limited to what is strictly necessary and proportionate.”  
<https://www.amnesty.org/download/Documents/AMR3782892018ENGLISH.PDF>

Italy. The interior minister announced that he will conduct a census of Roma people in Italy and will expel those without valid residence permits, *DW* reported.  
<https://www.dw.com/en/italys-far-right-league-plans-census-of-roma-community/a-44287124>

Japan. *Mainichi* reported that the Defense Ministry retained documents beyond their designated retention period and then failed to disclose them in response to freedom of information requests filed since fiscal 2012. One denial was a request for records on “a survey of soil contamination at the site of the U.S. military’s now-defunct airfield” in Okinawa. <https://mainichi.jp/english/articles/20180621/p2a/00m/0na/017000c>

Mexico. The government’s Interior Secretariat reported that as of April 30 there were 37,435 missing persons in Mexico, 40% more than the number reported in 2014, *Mexico News Daily* wrote. The statistics were compiled by the National Public Security System; at the end of 2017 the official National Register of Disappeared and Missing Persons showed “the fate or whereabouts of 33,482 people remained unknown.”  
<https://mexiconewsdaily.com/news/missing-persons-now-total-37435/>

The court in Tamaulipas hearing the case of the 43 Ayotzinapa students kidnapped and missing since 2014 ordered a new investigation into the case, *telesur* reported. The court said the previous investigation by the federal prosecutor was not “quick, effective, independent or impartial” and there is “enough evidence to conclude that torture was used to obtain the confessions of the accused.” For background, see *HRWG News* 2018-03. [https://www.telesurtv.net/english/news/Mexican-Tribunal-Creates-Committee-for-Ayotzinapa-Case-20180605-0007.html?utm\\_source=planisys&utm\\_medium=NewsletterIngles&utm\\_campaign=NewsletterIngles&utm\\_content=12](https://www.telesurtv.net/english/news/Mexican-Tribunal-Creates-Committee-for-Ayotzinapa-Case-20180605-0007.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=12)

Myanmar. The government announced it would establish a three-member Independent Commission of Enquiry to investigate alleged human rights violations in northern Rakhine state since August 2017 by both the Arakan Rohingya Salvation Army and “related abuses,” *Irrawaddy* reported.  
<https://www.irrawaddy.com/news/burma/three-person-commission-to-investigate-rakhine-abuses.html>

Poland. Both houses of Parliament “overwhelmingly voted” to cancel the criminal provisions of Poland’s Holocaust speech law, which had made it illegal to accuse the Polish nation of complicity with the Holocaust, *AP* reported. For background see *HRWG News* 2018-02. <https://newsok.com/article/feed/3393506/the-latest-poland-reverses-course-on-disputed-holocaust-law>

Russia. A researcher asked the Interior Ministry for information about a prisoner sentenced to prison in the gulag in 1938. The Ministry told him that the prisoner’s “archive card had been destroyed” in accordance with a “secret 2014 decree signed by 11 government agencies [that] allows officials to dispose of a prisoner’s card after his or her 80<sup>th</sup> birthday,” *The Telegraph* reported. The Interior Ministry responded with a statement saying “it is digitizing thousands of registration cards of prisoners caught

up in the Soviet-era gulag camp system, not destroying them,” *RFE/RL* reported. As many as 17 million people were sent to the camps, which should mean a huge digitizing project. <https://www.telegraph.co.uk/news/2018/06/08/gulag-prisoner-data-secretly-deleted-museum-warns/>; <https://www.rferl.org/a/gulag-records-being-digitized-not-destroyed-russian-ministry-says/29289219.html> <https://meduza.io/en/cards/historians-say-the-russian-authorities-have-started-shredding-gulag-archival-records-here-s-what-we-know>

Saudi Arabia. The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism issued a report on his mission to Saudi Arabia. He noted that “according to official records, there have been altogether 1075 terrorist plots identified in the country since 1987” while between 2009 and 2015 “more than three thousand allegations of torture were formally recorded” by the court. He concluded that “it is clear . . . that counter-terrorism strategies have been misused for the purpose of stifling political dissent, suppressing opposition and silencing calls for by peaceful critics.” <https://www.ohchr.org/Documents/Issues/Terrorism/SR/A.HRC.40.%20XX.Add.2SaudiArabiaMission.pdf>

South Africa. The Centre for Environmental Rights issued a report, “Full Disclosure: The Truth about Mining Rehabilitation in South Africa.” Its key finding is: “Neither the law, nor the accounting standards governing company disclosures, ensure the necessary transparency and accountability about financial provision for environmental rehabilitation. The information disclosed by mining companies about the costs of rehabilitation of the environmental damage that they cause, and about the money that they are obliged to set aside to fix it, is inconsistent, unclear, in some cases unreliable, and not comparable between companies.” <https://fulldisclosure.cer.org.za/>

Ukraine. Researchers from the Greenpeace Research Laboratories at the University of Exeter in the U.K. and the Ukrainian Institute of Agricultural Radiology examined milk samples from cows in 14 villages in northwest Ukraine. They found that today, more than three decades after the 1986 Chernobyl nuclear disaster, “in villages as much as 140 miles from the Chernobyl nuclear plant, radioactivity readings in milk are up to five times the Ukrainian government’s official limits for adults and more than 12 times the limit for children.” Cesium-137 remains in the soil, is picked up by plants eaten by cows, and enters the milk; exposure “can cause an array of health problems, including cancers, cataracts and digestive ailments,” the *New York Times* reported. <https://www.nytimes.com/2018/06/08/world/europe/chernobyl-nuclear-disaster-radiation-milk.html>

Using massive quantities of video footage of the February 2014 protests in central Kiev (Maidan Square) that were collected by a Ukrainian graduate student, SITU, an “architecture and research lab” in New York, reconstructed the deaths of three protesters to identify the sources of the bullets that killed them. The reconstruction, “presented in three silent videos, each about five minutes in length,” was accepted as evidence by the criminal court hearing the case against five police officers. One of the lawyers told the *New York Times*, “The criminal court has never admitted evidence of such technological complexity. It’s a milestone.” <https://112.international/article/who-killed-the-kiev-protesters-a-3-d-model-holds-the-clues-28955.html>

Ukraine adopted legislation to establish an independent anti-corruption court, *Euromaidan Press* reported. <http://euromaidanpress.com/2018/06/07/ukrainian-parliament-votes-to-create-an-anti-corruption-court/>

United Kingdom. At a soccer match at Hillsborough in 1989, 95 people were trampled to death and over 700 more were injured. An investigation in 2012 reviewed all known records relating to the disaster, and a 2016 inquest found that the police made serious errors in planning and executing security for the match. Now the police chief superintendent responsible for security at the match has been charged with manslaughter, *Yorkshire Post* reported. For background, see *HRWG News* 2012-09

and 2013-11. <https://www.yorkshirepost.co.uk/news/david-duckenfield-to-face-95-manslaughter-charges-over-hillsborough-fans-deaths-1-9227734>

Archivists Elizabeth Shepherd and Victoria Hoyle visited the Independent Inquiry into Child Sexual Abuse, which is investigating child sexual abuse in institutions and institutional responses to the abuse. In a blog post, they wrote of the importance of records to the Inquiry's work and note that the Inquiry found that institutions having "poor quality of recording and the mismanagement of records was an indicator of the quality of care that was received." <http://blogs.ucl.ac.uk/mirra/2018/06/25/recordkeeping-and-the-iicsa-interim-report/>

United Kingdom/Northern Ireland. The 2012 Protection of Freedoms Act in Northern Ireland put limits on the length of time that biometric material—fingerprints and DNA records—can be retained by the Police Service of Northern Ireland (PSNI). Now the Northern Ireland Office has introduced a bill to "extend temporary protections for Troubles-related fingerprint and DNA records up until October 2020," reported *The Detail*. <http://www.thedetail.tv/articles/concerns-over-potential-destruction-of-evidence-from-unsolved-troubles-killings>

In 1975 three members of a popular band "were taken from their tour bus and shot dead" by a "fake army patrol" made up of soldiers from the Ulster Defence Regiment (UDR) and members of loyalist paramilitary group, the Ulster Volunteer Force (UVF). The two surviving band members and relatives of the murdered are suing the government, alleging "collaboration between serving soldiers and the killers," the *Belfast Telegraph* reported. The solicitor representing the plaintiffs said he was "told material on the vetting and training [of] Ulster Defence Regiment recruits linked to the atrocity would have been scrapped more than a decade ago – if it ever existed" and that "both the Ministry of Defence and PSNI are seeking to stop the disclosure of some intelligence files on Public Interest Immunity grounds." <https://www.independent.ie/irish-news/british-army-files-on-soldiers-accused-of-collusion-over-miami-showband-massacre-destroyed-37037828.html>

United States. The most important current human rights issue is the Trump Administration's decision to separate children from their parents who cross into the U.S. from Mexico without authorization and its inability to swiftly reunite the children and parents, as a court order now requires. It is a textbook example of the failure of records systems: the immigration officials apparently did not keep sufficient records of who came across the border with whom, nor did they keep adequate records of where each child was subsequently housed. Media reported that some border officials took photos of the children with the parents to create a record, but now both children and parents are having DNA tests done to see if they are related. The separation is inhumane; the efforts to document separation are incompetent. <https://www.cnn.com/2018/06/26/politics/federal-court-order-family-separations/index.html>

The *Washington Post* reported that the Department of Homeland Security is "digitizing fingerprints collected in the 1990s and comparing them with more recent prints provided by foreigners who apply for legal residency and U.S. citizenship. If decades-old fingerprints gathered during a deportation match those of someone who did not disclose that deportation on their naturalization application or used a different name," those persons "will be referred to federal courts where they could be stripped of citizenship and potentially deported." <http://www.chicagotribune.com/news/nationworld/ct-trump-immigration-strip-citizenship-20180613-story.html#>

The U.S. Centers for Disease Control and Prevention's (CDC) monthly *Vital Signs* report "examined state-level trends in suicide rates from 1999-2016" and 2015 data from CDC's National Violent Death Reporting System, which covered 27 states, to look at the "circumstances of suicide among people with and without known mental health conditions." The CDC found suicide rates rising in nearly every state; it is the

10<sup>th</sup> leading cause of death in the nation. <https://www.cdc.gov/media/releases/2018/p0607-suicide-prevention.html>

The *Washington Post* collected homicide arrest data from police in 50 of the nation's largest cities: 52,000 homicides during the decade 2007-2016. "The data included the location of the killing, whether an arrest was made and, in most cases, basic demographic information about each victim." The reporters compared the city data with Federal Bureau of Investigation data, and when a city police department provided only partial information, they "consulted public records, including death certificates, court records and medical examiner reports, to fill in the gaps." They then mapped each homicide, identifying "arrest rates by geography." They found "pockets of impunity" within each city, where "police make arrests less than 33 percent of the time." And they learned that although violence nationwide has dropped to "historic lows, 34 of the 50 cities have a lower homicide arrest rate now than a decade ago." [https://www.washingtonpost.com/graphics/2018/investigations/unsolved-homicide-database/?noredirect=on&utm\\_term=.c7d6afed8ff1](https://www.washingtonpost.com/graphics/2018/investigations/unsolved-homicide-database/?noredirect=on&utm_term=.c7d6afed8ff1)

*The Lancet* published a research report on "police killings and their spillover effects on the mental health of black Americans." The researchers combined data on police killings from the Mapping Police Violence database "which has tracked police killings in the USA since 2013" with "individual-level data from the nationally representative 2013-15 US Behavioral Risk Factor Surveillance System" to estimate the impact of police killings of unarmed black Americans on "self-reported mental health of other black American adults in the US general population." They found that the "largest [adverse] effects on mental health occurred in the 1-2 months after" a police killing, and that "similar negative mental health impacts" were not observed among white respondents and "resulted only from police killings of unarmed black Americans (not armed white Americans or armed black Americans)." [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(18\)31130-9/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)31130-9/fulltext)

United States/Georgia. A cyberattack against the computers of the city government of Atlanta wiped out the Police Department's "dashcam archive," *WSBTV* reported. The police chief said that the loss could "compromise, potentially" a drunk driving case "if the officer's testimony is not where it should be" (i.e., in the records). <https://www.ajc.com/news/local/apd-chief-dashcam-archive-wiped-out-cyberattack/RN6QVUBZQPX84z28bXy5VK/>

Venezuela. The UN High Commissioner for Human Rights (OHCHR) reported there is "continued impunity amid a dismal human rights situation." Because the government did not grant OHCHR "access to the country despite repeated requests," the report was compiled based remotely on "50 interviews and meetings with Venezuelans, including with at least 78 victims or witnesses, as well as the review of information from a wide range of sources." The High Commissioner recommended that the UN Human Rights Council establish a Commission of Inquiry on the situation in Venezuela, noting that "[a]ll of the victims' relatives interviewed said they did not have faith in the Government's Commission on Truth, Justice, Peace and Public Tranquillity." <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23242&LangID=E>

**Good reads.** A comparison of the new European General Data Protection Regulation and the U.S. view of valid consent to use data: [https://www.law.com/legaltechnews/2018/06/18/the-gdprs-idea-of-consent-isnt-the-same-as-the-u-s-legal-framework/?cmp=share\\_twitter](https://www.law.com/legaltechnews/2018/06/18/the-gdprs-idea-of-consent-isnt-the-same-as-the-u-s-legal-framework/?cmp=share_twitter)

Syrian criminal accountability and universal jurisdiction: [https://syriaccountability.org/updates/2018/06/15/jamil-hassan-and-the-challenges-of-universal-jurisdiction/?utm\\_source=SJAC+Weekly+Update&utm\\_campaign=181cffb5f7-EMAIL\\_CAMPAIGN\\_2018\\_06\\_15\\_02\\_50&utm\\_medium=email&utm\\_term=0\\_0a7405c641-181cffb5f7-90540617](https://syriaccountability.org/updates/2018/06/15/jamil-hassan-and-the-challenges-of-universal-jurisdiction/?utm_source=SJAC+Weekly+Update&utm_campaign=181cffb5f7-EMAIL_CAMPAIGN_2018_06_15_02_50&utm_medium=email&utm_term=0_0a7405c641-181cffb5f7-90540617)

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