

ARCHIVES AND HUMAN RIGHTS
News from the Section on Archives and Human Rights**Issue no. 131, October 2020**

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Commentary.

Elon Musk is one of the world's richest people. He owns Tesla, which makes electric autos and is developing self-driving ones, and SpaceX, which not only puts satellites in orbit but is trying to make travel to Mars feasible. According to a recent issue of *The Economist*, he has another firm called Neuralink which aims to make it possible to move objects by the power of thought and to allow "a future in which memories can be downloaded and stored elsewhere, and human beings can form a 'symbiosis' with artificial intelligence." <https://www.economist.com/science-and-technology/2020/09/02/elon-musks-vision-of-the-future-takes-another-step-forward>

Downloaded memories is something archivists know a lot about. Memory is what a living person holds in the mind about people and events. Preserving those memories can be spontaneous—think of the millions of people documenting their experiences with the COVID-19 pandemic—or carefully planned, such as the Montenegrin Parliament opening a Documentation Centre to "collect material related to the 1990s Balkan conflict and the role played in them by Montenegro" and the project by the Srebrenica Memorial Centre and *BIRN* Bosnia and Herzegovina to film interviews with 100 surviving witnesses of the July 1995 genocide of Bosniaks from Srebrenica by Bosnian Serb forces. Archives preserve documented "downloaded" memories. https://balkaninsight.com/2020/10/05/montenegro-parliament-opens-war-crimes-documentation-centre/?utm_source=Balkan+Insight+Newsletters&utm_campaign=0d6d2c7238-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-0d6d2c7238-319725265; https://balkaninsight.com/2020/10/29/srebrenica-memorial-centre-and-birn-launch-genocide-testimony-project/?utm_source=Balkan+Insight+Newsletters&utm_campaign=8d211fa61f-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-8d211fa61f-319725265

When evaluating and responding to contemporary atrocities and defending human rights, a central issue is obtaining and preserving the sources needed. While information can be oral, information as a long term source is physical: paper, photographs, email, desktop productions, databases, satellite images, video and audio recordings. Memories can certainly be transmitted orally; indigenous groups show that multigenerational transfer of memory is a vibrant tradition. But to use memory as part of the sources for history and for human rights justice processes, it must be converted into one of these formats—an interview, a testimony, a survey form, the wiretap of a conversation, for example. A lawyer who draws up a contract based on an oral agreement will say she "memorializes" it. Once memory is captured, it can be used and reused far into the future after the person is no more. There are many considerations in documenting memories, including importantly not retraumatizing people who have experienced great violence. But there is an immutable time value to it: memories fade, people die, some people experience temporary amnesia.

Memorialization is different from memory per se: it is a structural representation, a trigger for the memory of the past. It is usually a public expression—a statute, a memorial marker (like a tombstone), a museum, a commemorative event, among others—whereas memory is inherently an individual attribute; its representation can be entirely private, as a diary, or public as a social media posting. A recent report by the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence provides examples and recommendations for memorialization (see item below).

The insistent problem, however, is that memorialization can divide as well as heal. Across the world in 2020 we have seen untold numbers of memorialization features torn down: statues of racists tumbled, buildings renamed, tombstones defaced. One generation's or one group's memorialization may be anathema to another. Downloading memories, especially if they are turned into a public memorialization, is more complex than Elon Musk's high tech initiative might realize.

International news.

European Court of Human Rights (ECHR). The Court ruled that Romania violated the rights of two Pakistani students it deported “on terrorism charges” in 2012, *BIRN* reported. The students were “not provided with any information about the key stages in the proceedings or about the possibility of accessing classified documents in the file,” evidence that was “kept secret during the entire process for national security reasons.” https://balkaninsight.com/2020/10/15/echr-rules-against-romania-for-deporting-pakistani-terrorists/?utm_source=Balkan+Insight+Newsletters&utm_campaign=eb367ef58a-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-eb367ef58a-319725265

European Court of Justice. The European Union’s top court ruled that “unrestrained mass surveillance of phone and internet data is unlawful” and that “general and indiscriminate retention of such data can only be allowed when governments face a ‘serious threat to national security’,” *Reuters* reported. It is up to the EU member states to define what constitutes such a threat. <https://news.trust.org/item/20201006073656-faoty/>

International Residual Mechanism for Criminal Tribunals (MICT). André Guichaoua, a professor of sociology at the Sorbonne who served as an expert witness on the Rwandan genocide before several courts and judicial bodies, wrote in *Justice Info* on the stakes in the Felicien Kabuga trial. Kabuga is known as a financier of the genocide, so evidence from “accounting and personnel management records of public and private companies” is important. Guichaoua is worried that now, nearly 30 years after the genocide, relevant records may not be saved in “Belgium, Switzerland, France, and elsewhere,” that there is “probable destruction of crucial archives.” <https://www.justiceinfo.net/fr/les-debats-justiceinfo/opinions/45543-rwanda-enjeux-proces-felicien-kabuga.html>

Special Criminal Court of the Central African Republic. *Justice Info* complained that the court “refuses to disclose the identity of its detainees” because, it says, the country is too insecure to release the names or even the number of persons in custody. In 2019 the Court’s special prosecutor said the Bangui prosecutor’s office had turned over the “file of crimes committed in three localities” in Paoua and in May 2020 announced that it had taken a case from Ndele. Amnesty International said, “This is the first time that an international tribunal or a hybrid tribunal has operated with so little transparency.” <https://www.justiceinfo.net/fr/tribunaux/tribunaux-mixtes/45662-centrafrique-etrange-secret-detentions-cour-speciale.html>

United Nations. The Special Rapporteur (SR) on cultural rights issued a report on “Climate change, culture and cultural rights.” In discussing the “negative impacts of climate change on culture, cultural heritage and cultural rights,” the SR wrote, “Adequate analysis and documentation, including a complete mapping of cultural and cultural rights damage, and the development of comprehensive strategies for preventing and responding to it, are essential tasks at the international and national levels going forward.” And, she noted, “Globally, archives and libraries, great repositories of human knowledge, culture and history are at risk as well.” The footnote to that sentence references the submission made to the SR by the ICA Section on Archives and Human Rights. Among the recommendations is, “Design appropriate measures for monitoring the impacts of climate change on cultural heritage and adapting to the adverse consequences thereof; and consider adaptations such as comprehensively recording and digitizing culture and cultural heritage and providing adequate funding and technical cooperation.” <https://www.ohchr.org/EN/Issues/CulturalRights/Pages/ClimateChange.aspx>

The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence issued a report on “Memorialization processes in the context of serious violations of human rights and international humanitarian law: the fifth pillar of transitional justice.” Paragraphs 70-72 are on access to archives; “The Special Rapporteur considers the protection of archives to be essential for enabling societies to learn the truth and regain ownership of their history.” One recommendation says, “In order for memorialization processes to be effective, it is essential to protect the archives of State agencies and civil society organizations, especially those that work in the area of human rights. Archives should be accessible in accordance with established standards, and Governments should remove obstacles to such access.” Paragraphs 73-76 urge the UN to establish “a useful methodology for granting access to its archives.” <https://undocs.org/en/A/HRC/45/45>

Honduras ratified the Treaty on the Prohibition of Nuclear Weapons, the 50th nation to do so, which triggers the treaty’s entry into force in 90 days. The five original nuclear powers—the U.S., Russia, China, U.K. and France—have not signed, and *AP* obtained a letter the U.S. sent “to treaty signatories saying the Trump administration believes they made ‘a strategic error’ and urging them to rescind their ratification.” <https://abcnews.go.com/US/wireStory/nuclear-weapons-ban-treaty-enter-force-73810802>

World Health Organization (WHO). WHO announced it is “setting up a seven-person independent commission to investigate claims of sexual exploitation and abuse by aid workers during the recent Ebola outbreak in Democratic Republic of Congo,” *Thomson Reuters Foundation* reported. For background, see *SAHR News* 2020-09. <https://www.reuters.com/article/us-congo-ebola-sexcrimes-who-trfn-idUSKBN274112>

World/general news.

Adoption records. “Thousands of babies were adopted from India and Sri Lanka in the 1970s and 1980s to Western countries, some illegally trafficked or stolen from their parents,” *Undark* wrote. “Today many adoptees grapple with questions about their identities. In India, their searches are often stymied by missing papers or bureaucratic intransigence.” DNA testing is an option, but genetic research has “historically under-sampled African, Asian and Latino populations” and the commercial databanks are similarly limited. A Dutch man searching for his Indian parents said, “It is, sorry to use that word, totally fucked up that adoptees have to resort to these commercial DNA databases . . . [b]ecause they wouldn’t do it if the authorities in India would cooperate.” <https://undark.org/2020/10/19/south-asian-adoptees-dna-tests/>

Business records. *Bloomberg* obtained leaked internal Exxon Mobil Corporation documents showing that before the start of the COVID-19 pandemic Exxon “had plans to increase annual carbon-dioxide emissions by as much as the output of the entire nation of Greece . . . setting one of the largest corporate emitters against international efforts to slow the pace of warming.” Exxon replied that “the projections identified in the leaked documents have significantly changed.” Exxon and other oil companies are being sued by “about a dozen U.S. cities, counties and states “seeking compensation of consumers and taxpayers over the cost of adapting to climate change” caused in part by the use of fossil fuels. https://www.bloomberg.com/news/articles/2020-10-05/exxon-carbon-emissions-and-climate-leaked-plans-reveal-rising-co2-output?mbid=&utm_source=nl&utm_brand=tny&utm_mailing=TNY_ClimateCrisis_100720&utm_campaign=aud-dev&utm_medium=email&bxid=5c48efcf2ddf9c4807adf975&endid=53684912&hasha=8fcd7efd9e9d6389b9f914ad34a5948d&hashb=be86af3880f5d49a71f804266e79b70bb4fa408d&hashc=f553fa26cd5d27697a335ab74e22a11c9b48c47784712d14145ae3c0ed4aad10&esrc=no_source_code&utm_term=TNY_ClimateCrisis

The U.S. Justice Department announced “a global settlement of civil and criminal investigations into Purdue Pharma’s aggressive marketing of opioid medications, including OxyContin,” *National Public Radio* reported. According to the U.S. Centers for Disease Control and Prevention, more than 232,000 U.S. residents died from a prescription opioid epidemic in which use of OxyContin was a key factor. The settlement has to be approved by the Federal bankruptcy judge overseeing Purdue’s case; among the controversial provisions of the deal is “the Justice Department’s request to the judge that Purdue and the Sacklers [the family owning Purdue] be protected from disclosing some internal information to creditors, including state officials” who still have ongoing lawsuits. For background on this lengthy litigation and the business records involved, see *SAHR News* 2020-01. <https://www.npr.org/2020/10/21/926126877/purdue-pharma-reaches-8b-opioid-deal-with-justice-department-over-oxycontin-sale>

“A class action lawsuit has been filed against the mining company Anglo American over its alleged failure to prevent widespread toxic lead pollution in the Zambian town of Kabwe” which had one of the world’s biggest lead mines before it closed in 1994, reported *The Guardian*. The plaintiffs say “more than 100,000 children and women of childbearing age in Kabwe . . . are likely to have suffered lead poisoning as a result of the pollution caused by Anglo.” The lawsuit “filed expert evidence from clinical toxicologists and mining and environmental specialists;” WHO published its study of exposure levels there in 2019, while other studies date back to the 1970s. <https://www.theguardian.com/environment/2020/oct/21/anglo-american-sued-over-alleged-mass-lead-poisoning-of-children-in-zambia>

A case brought in 2014 by three Eritreans against the Canadian mining company Nevsun has been settled out of court for an undisclosed sum of money, *CBC News* reported. “The trio of Eitrean refugees alleged that Nevsun was responsible for benefiting from human rights abuses including slavery, forced labour, torture and crimes against humanity during construction of its copper and gold mine in Eritrea.” Amnesty International Canada called the settlement “a precedent setting-case” and said, “These individuals helped pave the way for corporate accountability overseas. Canadian companies must take responsibility for alleged human rights abuses associated with their operations, not just on Canadian soil but anywhere in the world.” For background, see *SAHR News* 2020-02. <https://www.cbc.ca/news/canada/british-columbia/settlement-amnesty-scoc-africa-mine-nevsun-1.5774910>

The U.S. State Department released “voluntary human rights due diligence guidance to help U.S. businesses conduct a human rights impact assessment on relevant products or services and to provide them with a series of considerations to weigh prior to engaging in transactions with governments.” The guidance is aimed at “U.S. companies seeking to prevent their products or services with surveillance capabilities from being misused by foreign government end-users to commit human rights abuses.” <https://www.state.gov/key-topics-bureau-of-democracy-human-rights-and-labor/due-diligence-guidance>

Medical records. Google announced that it is collaborating with the U.S. Mayo Clinic to develop “an AI [artificial intelligence] system that can support physicians, help reduce treatment planning time and improve the efficiency of radio therapy” for persons suffering from head and neck cancers. It assures readers that “algorithms will be developed using only de-identified data.” <https://blog.google/technology/health/exploring-ai-radiotherapy-planning-mayo-clinic/>

Migration. Through a Freedom of Information Act lawsuit, *BuzzFeed News* obtained “thousands of pages of documents from internal investigations of deaths of immigrants held in ICE [U.S. Immigration and Customs Enforcement] custody.” It reported that 21 immigrants “died in ICE custody in the most recent fiscal year ending September 30, the highest number of such deaths under the agency’s watch in 15 years. . . . As part of agency protocol, ICE reviews each death and also notifies the [agency] Inspector General. Death reviews can involve reviewing documents and interviews,” but *BuzzFeed* determined that “in multiple instances, guards who were supposed to observe detainees placed in solitary confinement for extra monitoring falsified records to hide apparent dereliction of duty.” https://www.buzzfeednews.com/article/kendalltaggart/here-are-thousands-of-documents-about-immigrants-who-died?utm_source=Iterable&utm_medium=email&utm_campaign=curated_vice_daily_1672540&utm_term=News%20confirmed%20list

The Washington Office on Latin American (WOLA), an NGO, reported that U.S. Customs and Border Protection (CBP) data for the year ending 30 September showed over 400,000 migrants were apprehended, 53% fewer than in 2019. This was due, WOLA wrote, both to the Trump administration’s policy initiatives to keep potential migrants in Mexico and the “pandemic border measures” that allow CBP to “rapidly expel all undocumented people apprehended at the border, even those seeking refuge.” The majority of those turned back were single adults, but between March and August 8,800 “were unaccompanied children, who were returned unaccompanied, to an unknown fate.” <https://www.wola.org/analysis/what-new-official-data-tells-us-ongoing-tragedy-us-mexico-border/>

“Despite a [U.S.] federal judge’s order that the government reunite families who had been separated at the U.S.-Mexico border under the Trump administration’s ‘no tolerance’ migration policy, the parents of 545 children still can’t be found, according to a court document filed . . . by the U.S. Justice Department and the American Civil Liberties Union [ACLU],” *National Public Radio* reported. ACLU said “about 360 of the children still have not been located,” and the “filing estimates that two-thirds of the separated parents are believed to have returned to their home countries.” <https://www.npr.org/2020/10/21/926031426/parents-of-545-children-separated-at-u-s-mexico-border-still-cant-be-found>

The *New York Times* obtained both an 86-page draft report by the Justice Department’s Inspector General (IG) on the policy of separating children at the border from their parents and lengthy responses from officials at the Department and the White House. The *Times* said that the five U.S. attorneys whose areas border on Mexico “recoiled” from the order to prosecute all undocumented immigrants because they were “deeply concerned” about the children’s welfare. The IG concluded that Attorney General Jeff Sessions and other senior officials “were aware that full implementation of the zero-tolerance policy would result in criminal referrals by D.H.S. [Department of Homeland Security] of adults who enter the country illegally with children and that the prosecution of these family-unit adults would result in children being separated from families.” <https://www.nytimes.com/2020/10/06/us/politics/family-separation-border-immigration-jeff-sessions-rod-rosenstein.html>

A team of “independent doctors and experts” said they reviewed “more than 3,200 pages of records relating to 19 women who “allege medical maltreatment during detention” at a U.S. immigration center in the state of Georgia, *VICE News* reported. The team concluded that the detention facility and its doctor “took advantage of the vulnerability of women in detention to pressure them to agree to overly aggressive, inappropriate, and unconsented medical care.” They noted that the records given to them by the detention center, the hospital and the doctor “appear to be incomplete.” The Inspector General of the U.S. Department of Homeland Security is investigating of the case. For background, see *SAHR News* 2020-09. https://www.vice.com/en/article/88a95x/ice-detainees-were-pressured-to-have-gynecological-surgery-doctors-say?utm_source=Iterable&utm_medium=email&utm_campaign=curated_vice_daily_1655546

In late October the U.S. deported 60 Cameroonian and 28 Congolese asylum seekers. According to the *Guardian*, reporting on a complaint filed with the U.S. government by two NGOs, the Southern Poverty Law Center and Freedom for Immigrants, Cameroonian migrants in a Mississippi detention center refused to “sign their own deportation orders” and had “their fingerprints . . . taken forcibly in place of a signature on documents called stipulated orders of removal by which the asylum seekers waive their rights to further immigration hearings and accept deportation.” <https://www.theguardian.com/us-news/2020/oct/22/us-ice-officers-allegedly-used-torture-to-make-africans-sign-own-deportation-orders>

The Danish Refugee Council in Bosnia interviewed 149 migrants “of varying nationalities,” who reported being brutalized by Croatian law-enforcement officers when they tried to cross into Croatia before being pushed back into Bosnia, *AP* reported. “Migrants interviewed by the DR in Bosnia bore visible injuries that were also documented in a series of disturbing photographs shared with the *AP*.” <https://apnews.com/article/europe-croatia-sexual-abuse-fb019609f36fc28ed29868425d34d600>

Technology. Users contributed images of the summit of Australia’s Uluru, a site sacred to the indigenous people which was closed to the public in 2019, that with Google’s Street View tool allowed users “to virtually walk on its summit.” Parks Australia asked Google to remove the images, which Google did, reported *Thomson Reuters Foundation*. <https://news.trust.org/item/20201005062706-ib6as/>

Sensity, a company based in the Netherlands, discovered a “deepfake ecosystem on the messaging platform Telegram” that with an AI-powered bot “allows users to photo-realistically ‘strip naked’ clothed images of women.” It found that “approximately 104,852 women have been targeted and had their personal ‘stripped’ images shared publicly as of the end of July 2020. The number of these images grew by 198% in the last three months.” The images used were taken from either social media sites or private material. Sensity, worried that the images “can be shared in private or public channels beyond Telegram as part of public shaming or extortion-based attacks,” shared its findings of “sensitive data” with Telegram, the Russian social media website VK that links to it, and “relevant law enforcement authorities.” https://sensity.ai/automating-image-abuse-deepfake-bots-on-telegram/?utm_medium=email&_hsmi=97887695&_hsenc=p2ANqtz-84YfdJKwXsMeFbCAqS43IbFKv3rUveflhpUZpDDqv34W16hsf_NJ4y4RufQK62jWb-ZVBihe6bG37E_3yXNGoTOgvqng&utm_content=97887695&utm_source=hs_email

World War II. Babyn Yar is a ravine outside Kiev, Ukraine, where German troops massacred at least 33,000 Jews plus psychiatric patients, prisoners of war, suspected Ukrainian nationalists and communists in September 1941; estimates of the total killed range between 70,000 and 100,000 victims. Last year the Babyn Yar Holocaust Memorial Center in Ukraine began a Names project that so far, *JTA* reported, has “collected data on about 18,000 people who were killed at Babyn Yar. Of those, only a few thousand have comprehensive person files. Information on any of the others is patchy, sometimes limited to nothing more than their names.” The Center staff attributes the scarce information to the “lack of German documentation, massive wartime damage to Kyiv’s archives, decades of obfuscation when Ukraine was part of the Soviet Union, and an outdated archiving methodology that downplayed the importance of individual stories.” <https://www.jta.org/2020/09/25/global/nearly-80-years-after-the-babyn-yar-massacre-ukrainian-researchers-lift-victims-out-of-anonymity>

Facebook announced that it updated its “hate speech policy to prohibit any content that denies or distorts the Holocaust.” Furthermore, “beginning later this year, we will direct anyone to credible information off Facebook if they search for terms associated with the Holocaust or its denial on our platform.” <https://about.fb.com/news/2020/10/removing-holocaust-denial-content/>

In France, the Archives of the Foreign Ministry signed a “partnership agreement” with the Ministry of Culture’s Mission for the Search and Restitution of Cultural Property Looted in 1933-1945. Access to the relevant Foreign Ministry archives will be facilitated for the Mission staff members, and in return the Mission will support digitizing the records. <https://www.diplomatie.gouv.fr/fr/archives-diplomatiques/toutes-les-actualites/article/archives-de-la-recuperation-artistique-convention-de-partenariat-avec-la>

Bilateral and multilateral news.

Algeria/France. An adviser to Algeria’s president said the government “does not rule out international arbitration to resolve its dispute with France over the archives of the French colonial era,” reported *Anadolu Agency*. <https://www.aa.com.tr/en/africa/algeria-may-take-france-to-arbitration-over-stolen-archive/2020973>

Armenia/Azerbaijan. As conflict flared between the two neighbors, both “released images and videos showing prisoners of war and bodies of opposition soldiers,” *BBC* reported. “One clip widely circulating on Telegram channels, that claims to show an Azerbaijani POW being shot dead by Armenian soldiers, is actually a video from Russia that first appeared on social media sites in 2013.” However, Bellingcat, the investigative group, has confirmed that two videos showing two Armenian men being executed are authentic. The Council of Europe said it “has received the video and will look into all alleged human rights abuses and take action when appropriate.” <https://www.bbc.co.uk/news/amp/world-europe-54645254>

Australia/Indonesia/Timor-Leste. On 16 October 1975 five Australian journalists were murdered by Indonesian special forces in East Timor. Writing in the *Sydney Morning Herald*, the convenor of the Timor Sea Justice Forum said Australia has conducted eight investigations of the murders, including a coroner’s inquest in Sydney in 2007 whose “findings were handed over to the Australian Federal Police” which dropped the investigation in October 2014, “citing jurisdictional challenges and insufficient evidence.” She and an Australian scholar with special interest in Timor complain that the Australian government has never made public the records of its knowledge of the events. <https://www.crikey.com.au/2020/10/16/balibo-45-years-on/>; <https://www.smh.com.au/national/forty-five-years-on-secrets-of-the-balibo-atrocity-haunt-australia-20201014-p564wp.html>

Balkan wars. A exhibition at the Centre for Cultural Decontamination in Belgrade, Serbia, focused on the shelling of the Tuzla Gate area in Bosnia where more than 70 people were killed in May 1995, *BIRN* reported. The exhibit included “42 pieces of evidence and other documents from the trial of Bosnian Serb general Novak Djukic, who was convicted by the Bosnian state court of ordering the shelling but is currently at large in Serbia.” The exhibit is scheduled to travel to other cities in the region. https://balkaninsight.com/2020/10/12/tuzla-massacre-generals-trial-evidence-exhibited-in-serbia/?utm_source=Balkan+Insight+Newsletters&utm_campaign=4ee4ea1854-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-4ee4ea1854-319725265

“The Serbian Interior Ministry has rejected *BIRN*’s freedom of information request asking whether former Yugoslav Army soldier Rajko Kozlina used an official border crossing to flee after he failed to appear to serve his 15-year sentence for war crimes in Kosovo.” The reasons for the denial were that releasing the information would “violate the right to privacy of the person” and that “there is also no public interest in providing the information.” *BIRN* noted, “Most of the case files and evidence from war crime trials in Serbia are . . . not easily accessible to journalists, researchers and the general public.” https://balkaninsight.com/2020/10/29/serbian-ministry-protects-right-to-privacy-of-fugitive-war-criminal/?utm_source=Balkan+Insight+Newsletters&utm_campaign=8d211fa61f-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-8d211fa61f-319725265

Belgium/former colonies. Belgian state archivists urged the special parliamentary commission tasked with looking into Belgium’s colonial past to declassify the relevant archives, particularly those of the Colonial Security Service, with a deadline for automatic declassification. Part of the issue is who is the legal successor to the colonial intelligence service, which would also determine who has the authority to declassify the records. The decision on declassification would also, the archivists hope, include authorizing access to four kilometers of private archives, including those of companies that had a significant role in the colonial enterprise, such as Union Minière du Haut Katanga. <http://www.lalibre.be/dernieres-depeches/belga/la-commission-sur-le-passe-colonial-confrontee-a-l-urgence-de-declassifier-les-archives-5f8dc29e7b50a66bd8dfad4>; <http://www.lalibre.be/belgique/societe/pres-de-20-km-d-archives-a-eplucher-pour-la-commission-sur-le-passe-colonial-de-la-belgique-5f8ddd967b50a66bd8e1aa52>

Belgium/Rwanda. A spokesperson for the Belgian federal prosecutor’s office said it arrested three men suspected of involvement in the 1994 Rwanda genocide, the *New York Times* reported. Their names were not released. The massive records of the International Criminal Tribunal for Rwanda as well as the records of the previous five trials Belgium has held of Rwandans accused of genocide should be useful to the prosecution. <https://www.nytimes.com/2020/10/03/world/europe/rwanda-genocide-arrests-belgium.html?referringSource=articleShare>

Belgium/Slovakia. In February 2018 Slovak citizen Jozef Chovanec was arrested at Belgium’s Charleroi airport after causing a disturbance on a plane. He later died in the hospital while in police custody. The Charleroi public prosecutor investigated the case and after ordering “an autopsy, pathological examination and toxicological analysis” closed it in January 2020 without charging the police officers, reported *Le Soir*. Last August *Het Laatste Nieuws* obtained video footage of Chovanec’s initial detention showing a police officer sitting on him for 16 minutes while another officer made what appeared to be a Nazi salute. With the release of the video, the Supreme Council of Justice conducted a

special investigation into the handling of the previous file relating to the death, said there had been no “cover-up” and closed the investigation. <https://www.theguardian.com/world/2020/aug/20/belgian-police-officer-made-nazi-salute-in-cell-of-man-who-died>; <https://www.lesoir.be/334796/article/2020-10-29/affaire-chovanec-aucune-tentative-de-dissimulation-dans-lenquete-selon-le>

Belgium/United Kingdom. A perfect example of the contemporary importance of historical archives: “a document issued to Flanders [Belgium] in July 1666 by Britain’s King Charles II gives 50 Flemish fishing boats access to British waters for perpetuity,” *Reuters* reported. This argues that Belgium will “retain fishing rights in Britain’s coastal waters if London and the European Union fail to agree [on] a trade deal by the end of this year.” <https://www.reuters.com/article/uk-britain-eu-belgium-privilege/belgium-dusts-off-1666-charter-for-post-brexite-fishing-rights-idUKKBN27722D>

Burkina Faso/France. In 2017 French president Emmanuel Macron promised that France would declassify and transfer to Burkina Faso records concerning Thomas Sankara, the president of Burkina who was killed in a coup in 1987. The NGO Justice for Sankara, Justice for Africa issued a press release urging France to complete the delivery, reported *RFI*. A trial of 25 people alleged to have had a part in the assassination is to be held next year, with or without the French records. For background see *SAHR News* 2018-12. <https://www.rfi.fr/fr/afrique/20201020-burkina-faso-france-pas-livr%C3%A9-toutes-archives-proc%C3%A8s-sankara-jaffre>

China/Japan. China opened a digital museum claiming that “legal and historical proof” shows the disputed Senkaku/Diaoyu islands belong to China. Japan demanded that the museum website be taken down, *CrisisWatch* reported. For background see *SAHR News* 2020-09. <https://www.crisisgroup.org/crisiswatch#overview>

Germany/Russia. A press release from the Organization for the Prohibition of Chemical Weapons (OPCW) said it sent a report to Germany on the analysis by OPCW “designated laboratories” of biomedical samples collected from Russian national Alexei Navalny, who was undergoing medical care in Germany after being poisoned while in Russia. The results “confirm that the biomarkers of the cholinesterase inhibitor found in Mr. Navalny’s blood and urine samples have similar structural characteristics as the toxic chemicals” prohibited for use under the Chemical Weapons Convention. <https://www.opcw.org/media-centre/news/2020/10/opcw-issues-report-technical-assistance-requested-germany> And the nongovernmental investigative team Bellingcat, with *The Insider* and *Der Spiegel* and contributions from *RFE/RL*, issued a report of its year-long investigation into whether Russia has a chemical weapons research program, specifically a Novichok development program. Novichok is the nerve agent that was used to poison former Russian spy Sergei Skripal and his daughter and kill an English woman and was identified in Alexei Navalny’s blood. Bellingcat obtained “telecoms data” showing that a St. Petersburg research institute “communicated intensively with members of the assassination team during the planning stage of the Skripal mission.” A 2017 “internal presentation of the institute” showed it was developing an antidote to the class of poisons that includes Novichok. The investigators concluded that there is “continued R&D [research and development] and weaponization of the Soviet-era Novichok program.” <https://www.bellingcat.com/news/uk-and-europe/2020/10/23/russias-clandestine-chemical-weapons-programme-and-the-grus-unit-21955/>

Germany/Syria. Three Syrian NGOs—the Syrian Center for Media and Freedom of Expression, the Syrian Archives, and the Justice Initiative—“filed criminal complaints in Germany . . . on behalf of the victims of two chemical attacks perpetrated in Syria. The complaints include new evidence allegedly proving the involvement of regime officials--namely Bashar al-Assad and his brother Maher, the Fourth Division commander--in the poisonous sarin gas attacks against Ghouta in 2013 and the city of Khan Sheikhoun in 2017,” *Syria Direct* reported. The organizations stated preparing and collecting evidence in 2017, with the Syrian Archive team working on “collecting and archiving materials related to the chemical attacks, in cooperation with a large number of activists who documented the crimes.” Because Germany will not try a person in absentia, the case is unlikely to go forward, but a Syrian member of the European Center for Constitutional and Human Rights said, “All the evidence and documents gathered and the resulting legal documents issued by the courts or legal authorities during the investigations, as judgments or documents supporting the judgment, have great legal value because they become by legal custom one of the sources of international law and they can be relied upon in future lawsuits.” https://syriadirect.org/news/efforts-to-document-chemical-weapon-attacks-in-syria-lead-to-first-criminal-case-against-assad/?utm_source=SJAC+Weekly+Update&utm_campaign=667ea90952-EMAIL_CAMPAIGN_2019_01_10_02_56_COPY_01&utm_medium=email&utm_term=0_0a7405c641-667ea90952-90540617

Israel/Palestine. *Haaretz* published an interview with Adam Raz, the author of a new book on “Looting of Arab Property in the War of Independence,” which focuses on moveable property. Using records from over 30 archives, he found evidence of extensive pillaging of the “contents of tens of thousands of homes, stores and factories, of mechanical equipment, farm produce, cattle and more.” He argued, “The looting of Arab property and the conspiracy of silence around it constitute to this day actions with which the Jewish public, and the Zionist public, of which I am a part, must come to terms.” Akevot Institute launched a website with information about the looting, allowing “users to trace the mass theft city by city, access the archival documents . . . and read hundreds of testimonies about what turned out to be mass pillage carried out by multitudes of Israelis: soldiers, civilians, individuals, and groups.” <https://www.akevot.org.il/wp-content/uploads/2020/10/Haaretz-Eng-Looting-of-Palestinian-Property.pdf>; for the website <https://storymaps.arcgis.com/stories/80f1df6ebf7b41f08677c3c47cdd34c2>.

Mideast wars. The Fact-Finding Mission of the Organization for the Prohibition of Chemical Weapons issued two reports on its investigation of alleged use of chemical weapons in Aleppo, Syria, on 24 November 2018 and in Saraqib, Syria, on 1 August 2016. The Mission visited hospitals to collect medical records and witness accounts, conducted interviews, analyzed environmental samples, and conducted epidemiological and technical analyses. Despite all the evidence, in neither case was the Mission able “to establish whether or not chemicals were used as a weapon.” <https://www.opcw.org/media-centre/news/2020/10/opcw-issues-two-fact-finding-mission-reports-chemical-weapons-use>

Human Rights Watch published a report, “Targeting Life in Idlib: Syrian and Russian Strikes on Civilian Infrastructure,” documenting 46 air and ground attacks that killed at least 224 civilians and wounded 561 more. In an excellent, informative annex to the report, HRW carefully explained how, “without setting foot on Syrian soil, we exposed apparent war crimes and the abusive military strategy that drove more than one million civilians from their homes”: “We used a range of technology and remote research methods – reviewing dozens of satellite images, verifying more than 550 photos and videos, investigating the Russian and Syrian military command structures – combined with 113 traditional human rights interviews, albeit from a distance.” <https://www.hrw.org/news/2020/10/15/syria/russia-strategy-targeted-civilian-infrastructure>; for the methodology <https://www.hrw.org/video-photos/interactive/2020/10/13/proving-patterns-cruelty-afar>

The Syrian Network for Human Rights released its monthly report documenting the deaths of 126 civilians, including 18 children, in October. The report said “the Syrian regime bears the primary responsibility for the deaths of Syrian citizens due to the COVID-19 pandemic, noting that the Syrian regime and its Russian ally have repeatedly been documented as having targeted, bombed and destroyed most medical facilities in Syria, and killed hundreds of medical personnel, according to the SNHR’s database.” SNHR noted that “nearly 3,327 medical personnel are still detained or forcibly disappeared by the Syrian regime.” The report also pointed out that “there has been an increase in the proportion of victims among Syrians killed by landmines, and that none of the perpetrator forces in the Syrian conflict have revealed maps of the places where they planted landmines.” <https://sn4hr.org/blog/2020/11/01/55610/>

Netherlands/former colonies. The Dutch Advisory Committee for a National Policy on Colonial Collections issued its report. “The committee offered a 12-step plan for rectifying past wrongs, beginning with lengthy talks between the Netherlands and the indigenous populations of affected colonial areas, like Indonesia, Suriname, and islands in the Caribbean. It also recommended that the same policy for former Dutch colonies apply to countries colonized by other powers to return cultural objects currently possessed by the Dutch State which may have been first looted by other nations,” reported *NL Times*. *The Art Newspaper* added, “The report called for the creation of an independent advisory committee to make recommendations on repatriation requests to the Dutch Culture Minister, who would have the final say. It also proposes establishing an Expertise Centre for the Provenance of Colonial Cultural Objects to verify the provenance of artefacts whose return is requested, and to establish and manage a database of colonial cultural objects in Dutch museums.” Acquisition records and personal papers will be important sources for establishing provenance. <https://nltimes.nl/2020/10/07/netherlands-advised-return-art-looted-colonial-era>; <https://www.theartnewspaper.com/news/dutch-committee-recommends-return-of-colonial-era-artefacts>

National news.

Argentina. The Justice and Human Rights Ministry “is regularly publishing on line the personal data of children with open arrest warrants,” Human Rights Watch (HRW) reported. Argentina has a public national database of people with outstanding arrest warrants, and children are included. HRW “viewed 28 versions of the database published between May 2017 and May 2020 . . . and found that over this

three-year period, at least 166 children have been added,” even ones suspected of minor crimes. HRW also found that the database system “lacks basic safeguards to minimize data entry errors, which can have serious consequences for a child’s reputation and safety.” The publication of the data violates the international obligation to respect children’s privacy in criminal proceedings, as stated in the Convention on the Rights of the Child to which Argentina is a signatory. <https://www.hrw.org/news/2020/10/09/argentina-child-suspects-private-data-published-online>

Brazil. The NGOs Association of Brazil’s Indigenous Peoples (APIB) and Amazon Watch, supported by Ruralista Watch-DONR and Profundo, explained “how companies operating in Brazil and international corporations collaborate, increasing threats to Brazil’s indigenous peoples, worsening an already precarious situation, and also playing a fundamental role in increasing myriad forms of environmental destruction.” Using data from the Regional Federal Appellate Court of the 1st Region and the Federal Prosecution Office and interviews, DONR “created a database of 797 judicial cases involving disputes over indigenous territory demarcation, decisions on land expropriation, eviction and land maintenance processes, revocation of environmental licenses, and compensation for environmental or other damages.” The heavily-documented report focuses on Brazilian and international companies that had conflicts with indigenous peoples or lands, identifies the supply chains they have, and the financial institutions that are the most frequent investors. But it also says “the biggest crime harming our country is actually the government’s failure to protect our biomes, protected areas, and indigenous lands from illegal fires, land grabbing, and deforestation.” <https://amazonwatch.org/assets/files/2020-complicity-in-destruction-3.pdf>

Chile. During an anti-government protest in Santiago on 2 October, a police officer pushed a teenage boy from a bridge into the concrete channel of the Mapocho river. He survived. The incident was caught on video which was publicly circulated, leading to mass protests against police brutality. The spokesperson for the Carabineros police force “said the force had its own set of videos that absolved it of blame,” *The Guardian* reported. The government ordered an investigation. <https://www.theguardian.com/world/2020/oct/03/chilean-police-throw-boy-16-off-bridge-during-protests>

According to the *Latin American Herald Tribune*, “prosecutors have opened more than 41,600 investigations into the actions of the Carabineros . . . against protesters” who took part in demonstrations in October 2019, “yet only 66 cops have been charged.” Amnesty International issued a “detailed analysis of the strategy behind the use of force by Carabineros between 18 October and 30 November” 2019. Amnesty examined 12 cases of human rights violations, viewed more than 200 video clips, gathered information from the Ministry of Interior and Public Security, obtained data “from 14 information requests to the public transparency system” and documents “from legal case files.” It also found a leaked audio clip in which the force’s General Director “confirmed that no officer would be discharged, regardless of . . . behavior.” Amnesty noted that extensive internal communications—“police records, circumstance records, action logs and information from command centers”—allowed commanders to know what was happening. Amnesty concluded that “during the period analysed, Chilean Carabinero officers violated the human rights of protestors in a generalized manner, including the right to personal integrity in the context of the protests.” <http://www.laht.com/article.asp?ArticleId=2496213&CategoryId=14094&emci=b8474134-1012-eb11-96f5-00155d03affc&emdi=3dfd6f32-1212-eb11-96f5-00155d03affc&ccid=4606001>; <https://www.amnesty.org/download/Documents/AMR2231822020ENGLISH.PDF>

China/Hong Kong. The June 4th Museum Hong Kong is the “only museum in the world dedicated to preserving the memory of the Tiananmen Square massacre of July 4, 1989” in Beijing, China, *Rest of the World* wrote. With the increasing restrictions in Hong Kong on free speech and association, the museum is scanning and indexing documents to post on a new website and is also “conducting a new round of data collection to retrieve materials scattered across libraries, government archives, and private collections around the world.” The museum’s chairman said, “In the future, it is not inconceivable that authorities may use the national security law as an excuse to shut down the June 4 Museum, so we hope that we can finish our digitalization work before that happens.” For background, see *SAHR News* 2020-04 and 07. Thanks to Antoon De Baets for the link. <https://restofworld.org/2020/control-alter-delete/>

Colombia. The Special Court for Peace (JEP) “ruled that investigating magistrates can now choose to make preliminary hearings public;” following that the judge in charge of the “macro-case” on child forced recruitment by the FARC guerrilla group allowed live broadcast of the testimonies of former rebels, *Justice Info* reported. Estimates of the number of children recruited vary: “The government officially registered 8,895 children as victims of recruitment and the report of the National Center for Historical Memory documented 16,879 cases.” Colombia’s criminal justice system between 2008 and

2016 prosecuted 132 cases of forced recruitment, of which “86 resulted in convictions, 19 ordered some form of economic reparation to the victims, and none of the defendants received a prison sentence.” <https://www.justiceinfo.net/fr/tribunaux/tribunaux-nationaux/45673-colombie-farc-pression-crimes-enfants-soldats.html>

In a letter to the JEP three former commanders of the FARC, two of whom now have seats in Congress, “have claimed responsibility for six murders, including that of conservative politician Alvaro Gomez Hurtado” in 1995, *DW* reported. <https://www.dw.com/en/colombias-farc-admits-to-killing-ex-presidential-candidate/a-55150429?emci=b64a237a-dc07-eb11-96f5-00155d03affc&emdi=618c418c-dd07-eb11-96f5-00155d03affc&ceid=4606001>

Cyprus. The Commission on Missing Persons in Cyprus was established in 1981 but only became operational in 2006. Since then it has identified 701 of the 1,510 Greek Cypriots and 275 of the 492 Turkish Cypriots missing during the inter-ethnic violence and Turkish invasion of the 1960s and 1970s. Based on 20 interviews with Greek Cypriot families, a researcher for the International Peace Research Association Foundation wrote in *Justice Info* that the Commission has failed to promote reconciliation because it neither publishes its findings nor tells families its findings on how and why the crime against the loved one took place. <https://www.justiceinfo.net/fr/partenariat-oxford/45646-chypre-verite-manquante.html>

Egypt. Based on interviews with 15 people and reviews of “judicial files for 13 cases of people prosecuted under “debauchery” and “prostitution” laws between 2017 and 2020,” Human Rights Watch found that “security forces routinely pick people off the streets based solely on their gender expression, entrap them through social networking sites and dating applications, and unlawfully search their phones. Prosecutors use this content to justify prolonged detentions as they rubber-stamp police reports and bring unjustified prosecutions against them.” HRW concluded that Egyptian authorities violated “multiple fundamental rights” of LGBTQ people, “including their rights to privacy, bodily integrity and protection against inhuman and degrading treatment and torture, free movement, free expression, assembly and association, as well as their right to nondiscrimination and protection under the law.” <https://www.hrw.org/news/2020/10/01/egypt-security-forces-abuse-torture-lgbt-people>

El Salvador. Survivors of the El Mozote massacre, the “largest single massacre in modern Latin American history,” asked the Prosecutor General “to charge President Nayib Bukele and Defense Minister René Merino Monroy with arbitrary acts, dereliction of duty, and failure to comply with a judicial order” allowing the judge in the El Mozote case “to have access to military archives from the period,” law professor Naomi Roht-Arriaza wrote in *Just Security*. For background, see *SAHR News* 2020-06, 08, 09. <https://www.justsecurity.org/73089/on-el-salvadors-1981-el-mozote-massacre-president-bukele-sides-with-impunity/>

El Faro published an investigative article on teenage girls who are kidnapped by gangs. Until 2019, forced disappearances by gangs or other civilians were classified as “deprivation of liberty”; disappearance became a crime in 2019. “The Salvadoran Supreme Court . . . has no record of the total number of convictions or acquittals for the crime of deprivation of liberty for the eight-year period between 2012 and 2020. El Salvador’s citizen information bureau, the Oficina de Informacion y Respuesta, claims that not all courts in the country have the proper system for maintaining such information, or that courthouse clerks simply ‘don’t have enough time’ to do so.” During those years the Prosecutor General (FGR) received more than 10,000 complaints about missing persons, but when *El Faro* asked for information on how many cases were “closed and archived,” the FGR said 92% were closed but “they could not immediately say ‘how many of these cases were closed due to the victim being found either alive or dead, because beginning in 2019, information on whether a victim was found alive or dead is logged automatically in our databases’.” Having looked at the available statistics, *El Faro* concluded, “For girls, the onset of puberty means entering an age of risk.” https://elfaro.net/en/202009/el_salvador/24843/%E2%80%9CThey-Don%E2%80%99t-Behave-They-Disappear%E2%80%9D-Alison-Renderos-and-the-Disappeared-Teen-Girls-of-El-Salvador.htm?utm_source=DB+El+Faro+_English&utm_campaign=02ba0e86c8-EMAIL_CAMPAIGN_2020_04_22_01_08_COPY_01&utm_medium=email&utm_term=0_3ec9190c89-02ba0e86c8-363082696

France. The French Association of Archivists, other associations and individuals asked the Conseil d'état to repeal the inter-ministerial regulation which requires all records between 1940 and 1970 that bear a “secret” stamp to be reviewed for declassification prior to release to the public. The appeal pointed out that some of these documents had already been provided to researchers and some were reproduced and published. The International Council on Archives issued a press release supporting the plea. Thanks to Perrine Canavaggio for the links. https://www.archivistes.org/Acces-aux-archives-classifiees-secret-defense-Un-collectif-d-associations-et-de-https://www.ica.org/en/press-release-of-the-international-council-on-archives-concerning-the-reclosure-of-access-to-the?utm_source=ICA+Members+and+contacts+Newsletter&utm_campaign=f0e44c99cb-EMAIL_Newsletter_OCT_2020&utm_medium=email&utm_term=0_84a7f06290-f0e44c99cb-225732189

Germany. “Germany’s security services recorded more than 1,400 cases of suspected far-right extremism among soldiers, police officers and intelligence agents in the three years ending in March, according to a government report,” wrote the *New York Times*. The report was compiled by the domestic intelligence service, whose head said the agency would keep investigating to see “if we are facing networks of far-right extremists who are expanding their connections.” Most of the cases—1,069—were reported in the military. <https://www.nytimes.com/2020/10/06/world/europe/germany-police-far-right-report.html>

Guatemala. The Minister of Culture and Sports issued a decree naming the Historical Archives of the National Police (AHPN) as part of the cultural heritage of the nation. After the long struggle to protect this archives, the decree is reassuring. Thanks to Lizbeth Barrientos for the information. For background, see *SAHR News* 2019-05, 06, 11. https://leyes.infile.com/index.php?id=182&id_publicacion=81864

High Risk Court “B” ruled that “there is sufficient evidence to initiate a criminal trial against Francisco Cuxum Alvarado, who is accused of crimes against humanity and aggravated sexual assault against Maya Achi women in Rabinal in 1981,” *International Justice Monitor* reported. The judge’s decision “included a detailed history based on the evidence presented by the plaintiffs” and he “read fragments of survivor testimonies and documents presented by the plaintiffs to support his decision.” For background, see *SAHR News* 2020-02. <https://www.ijmonitor.org/category/guatemala-trials/>

Ireland. On 30 October the Commission of Investigation into Mother and Baby Homes delivered its final report to the Minister for Children and Youth Affairs. An intense public debate during October centered on the disposition of the records of the Commission, which includes a database of information linking children and mothers, and future access to the archives. The legislature passed a bill sending the archives to the Child and Family Agency (TUSLA), which the Archives and Records Association, Ireland, pointed out “is not subject to the National Archives Act” and “has no legal requirement to maintain and archive their records for release to the public under the 30-year rule.” *RTE* said, “Legal challenges are expected.” For background, see *HRWG News* 2014-06. <https://www.rte.ie/news/2020/1101/1175103-the-hurt-around-mother-and-baby-home-legislation/>; <https://www.araireland.ie/news>

Mexico. *CrisisWatch* reported that authorities in the state of Guanajuato “registered over 100 murders” in the seven days 1-7 October, with 32 on 5 October. Nationally, the government reported 77,171 people “have gone missing since 2006 with 13,821 having disappeared during [current president] Lopez Obrador’s administration” that began 1 December 2018. <https://www.crisisgroup.org/crisiswatch#overview>

Myanmar. Human Rights Watch released a report on the “more than 130,000 Muslims—mostly Rohingya, as well as a few thousand Kaman” who “remain confined in camps in central Rakhine State that are effectively open-air detention facilities, where they are held arbitrarily and indefinitely.” Based on more than 90 interviews (60 with Rohingya in Bangladesh and Myanmar), satellite images, and “over 100 internal and public government, UN, and academic documents and reports related to the situation in central Rakhine State,” HRW concluded that the officials responsible for the situation “should be appropriately prosecuted for the crimes against humanity of apartheid and persecution.” <https://www.hrw.org/report/2020/10/08/open-prison-without-end/myanmars-mass-detention-rohingya-rakhine-state>

Nigeria. After a video showing a police unit shooting an unarmed man in Ughelli town in Delta state became public, protests grew and police responded with violent attempts to disperse protesters. By 23 October 69 people had been killed in the protests, and by 25 October “27 state governments and [the] Federal Capital Territory had set up judicial panels to investigate police abuses,” *CrisisWatch* reported. <https://www.crisisgroup.org/crisiswatch#overview>

North Macedonia. In 2015 “batches of illegally wiretapped telephone conversations of top officials” were leaked that appeared to show political meddling with the lustration process. A trial will now begin against the former foreign minister and ten members of the former Lustration Commission for “misuse of office,” *BIRN* reported. For background, see *HRWG News* 2015-02, 04, 05, 06, 09. https://balkaninsight.com/2020/10/09/north-macedonia-ex-minister-charged-over-politically-motivated-lustration/?utm_source=Balkan+Insight+Newsletters&utm_campaign=70f44c3b13-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-70f44c3b13-319725265

Syria. The Syrian Network for Human Rights (SNHR) published a report on the Syrian regime’s Counter-Terrorism Court. Using data from its data base, which holds information from “hundreds of families of detainees referred” to the Court for trial, “details from a number of lawyers,” documents

obtained through those sources, and interviews with “detainees who were subjected to trial” there, SNHR estimated that “at least 10,767 persons, including 896 women and 16 children, have been tried . . . since its establishment in July 2012 until October 2020.” Court sessions are not open to the media or the public. Judgements in absentia are held, but “rulings are not published; instead of issuing the customary notification/subpoena to the accused, a printed document providing the sentenced individual’s name is placed on a bulletin board inside the court room in Damascus only, making it impossible for a citizen in Homs . . . for example, to know they’ve been tried.” http://sn4hr.org/wp-content/pdf/english/At_Least_10767_Persons_Still_Face_Trial_in_Counter_Terrorism_Court_nearly_91000_Cases_Heard_by_the_Court_and_3970_Seizures_of_Property_en.pdf

Tunisia. A Tunisian court has allowed an 81-year-old man to remove a word from his name that marked him out as descended from slaves, in the country’s first ruling of its kind,” reported *Thomson Reuters Foundation*. “The word ‘atig’ or ‘liberated by’ which originally denoted a freed slave . . . forms part of the names of many Tunisian families.” https://news.trust.org/item/20201016142509-60jwv/?utm_campaign=trafficking&utm_medium=newsletter&utm_source=mainListing&utm_content=link2&utm_contentItemId=20201016142509-60jwv

United Kingdom. The Independent Inquiry into Child Sex Abuse in the Church of England issued a report, saying the Church “failed to protect children from sexual abuse, and created a culture where abusers ‘could hide’.” It reported that 390 clergy members and other church leaders were convicted of abuse between the 1940s and 2018. The Inquiry chairwoman said, “Within the Church in Wales, there were simply not enough safeguarding officers to carry out the volume of work required of them. Record-keeping was found to be almost non-existent and of little use in trying to understand past safeguarding issues.” https://search.aol.com/click/?_ylt=A2KLfSQGvX9f3hUApRBpCWVH;_ylu=Y29sbwNiZjEEcG9zAzEEdnRpZAMFc2VjA3Ny/RV=2/RE=1602235782/RO=10/RU=https%3a%2f%2fwww.bbc.com%2fnews%2fuk-54433295/RK=0/RS=Naid9XMsnG5a4DUbynzhJI.fw-

A fire at London’s Grenfell Tower in June 2017 killed 72 people; an inquiry has been going on since September 2017, focusing on the refurbishment of the building that contributed to the disaster. *Inside Housing* reported that the project manager of the renovation “has admitted that she binned her records and notes relating to the refurbishment a year after the fire,” and another manager on 16 October turned over “eight day books and five diaries about the project which he had been keeping at his home” which the inquiry lawyer said contained “material of the upmost relevance” to the inquiry. <https://www.insidehousing.co.uk/news/kctmo-project-manager-admits-destroying-evidence-relating-to-grenfell-refurbishment-after-fire-68240>

United States. The lynching of two Black couples near Moore’s Ford Bridge in Georgia in 1946 for which no one was held accountable is one of the pivotal cases leading to the civil rights movement. Two historians petitioned the U.S. District Court for access to the grand jury records on the case. The Court agreed, but the Circuit (higher) Court overturned the ruling and now the Supreme Court declined to hear the case, leaving the decision of the Circuit Court standing. This is contrary to the precedent that since 1984 has allowed the release of grand jury records in an “exceptional situation” such as an historically significant case, *Law.com* reported. For background, see *SAHR News* 2019-02. <https://www.law.com/dailyreportonline/2020/10/19/us-justices-wont-take-case-over-1946-georgia-lynching-records/>

The U.S. Customs and Border Protection (CBP) agency proposed to the National Archives a revision of the CBP records retention schedule to allow it to destroy records of complaints of civil rights abuses, administrative and criminal investigations of CBP agents, and records collected by CBP in connection to the Prison Rape Elimination Act, *The Intercept* reported. The American Civil Liberties Union (ACLU), other NGOs and academics have called on the National Archives to reject the request. The ACLU said in a statement, “An agency rife with abuse should not be allowed to purge its own paper trail of wrongdoing.” https://theintercept.com/2020/10/06/homeland-security-dhs-misconduct-records-erasure/?utm_medium=email&utm_source=The%20Intercept%20Newsletter

To test the impact on health of government expenditures on non-health care services, a research team compared 2000-2016 state data for the number of infant deaths during the first year of life per 1000 live births, stratified by race and ethnicity, collected by the U.S. National Center for Health Statistics to the U.S. Census Bureau’s annual survey of state and local government finances. They found “a \$0.30 per-person increase in environmental spending was associated with a decrease of 0.03 deaths per 1000 live births, and a \$0.73 per-person increase in social services spending was associated with a decrease of 0.02 deaths per 1000 live births. Infants born to mothers aged less than 20 years had the single greatest

benefit from the increase in expenditures.” <https://pediatrics.aappublications.org/content/pediatrics/early/2020/10/15/peds.2020-1134.full.pdf>

“The coronavirus pandemic has impeded access to government records at a time of great public interest in official responses to the health crisis,” the *Washington Post* reported. “The Reporters Committee for Freedom of the Press, which provides legal support for journalists, has catalogued more than 130 instances in which state and local officials in 39 states and the District of Columbia cited the pandemic as a reason to curtail access to public records.” https://www.washingtonpost.com/investigations/public-records-requests-fall-victim-to-the-coronavirus-pandemic/2020/10/01/cba2500c-b7a5-11ea-a8da-693df3d7674a_story.html

Physicians for Human Rights (PHR) “examined evidence of excessive use of force by Portland [Oregon] Police Bureau (PPB) officers and federal agents in July 2020, through a focus on both attacks against volunteer protest medics and the medics’ own experiences treating injured protestors.” Using medical records, photographs, interviews, and their own medical examinations, PHR found that “PPB officers and federal agents engaged in a consistent pattern of disproportionate and excessive use of force against both protestors and medics over the course of June and July 2020” and that “except for rare reported instances, paramedics affiliated with the PPB and Fire Department did not provide medical care to injured protestors” and “official ambulances were prevented for much of July from arriving within a perimeter” of the site of the protest. <https://phr.org/our-work/resources/now-they-just-seem-to-want-to-hurt-us-portland-oregon/>

“Based on 110 public records requests to state and local law enforcement agencies across the country” that obtained over 12,000 pages of documents, *Upturn* found that more than 2,000 law enforcement agencies in all 50 states and the District of Columbia have purchased “mobile device forensic tools . . . a powerful technology that allows police to extract a full copy of data from a cellphone—all emails, texts, photos, location, app data, and more—which can then be programmatically searched.” The agencies “have performed hundreds of thousands of cellphone extractions since 2015, often without a warrant.” <https://www.upturn.org/reports/2020/mass-extraction/>

Using data from the public use file of the 2017 Bureau of Justice Statistics’ National Crime Victimization Survey, researchers found that sexual and gender minorities (SGM) are “disproportionately victims across a variety of crimes.” The “rate of violent victimizations” was 71.1 victimizations per 1000 SGM people compared with 19.2 victimizations per 1000 people who are not. <https://advances.sciencemag.org/content/6/40/eaba6910>

United States/North Carolina. The city council in Greensboro “approved a resolution of apology nearly 41 years after five demonstrators were shot and killed by members of the Ku Klux Klan and American Nazi Party at a low-income housing community during a ‘Death to the Klan’ rally organized by the Communist Workers Party” on 3 November 1979, *Greensboro News and Record* reported. The resolution also creates a scholarship for five high school students in memory of the five who died. The May 2006 report of the Greensboro Truth and Reconciliation Commission that investigated the incident formed a background for the resolution. https://greensboro.com/this-is-what-we-support-forty-years-later-city-apologizes-for-greensboro-massacre/article_4b4a4bc0-0756-11eb-99b6-233f0f64860f.html

Yemen. “A first-of-its-kind study using satellite images to count fresh graves and analyze burial activity” in “all identifiable cemeteries” in the Aden region by researchers at the London School of Hygiene and Tropical Medicine led them to estimate 2,100 deaths due to the coronavirus outbreak, *Reuters* reported. The official death count was 600 on 25 October. <https://news.trust.org/item/20201027223615-ph38r/>

Class publications.

Swisspeace, in collaboration with the University of Basel, will offer a Dealing with the Past course in virtual format, 28-29 January and 4-5 February, afternoons CET. https://www.swisspeace.ch/continuing-education/postgraduate-courses/dealing-with-the-past-course?utm_source=swisspeace+Newsletter&utm_campaign=ee270d4019-EMAIL_CAMPAIGN_2019_09_23_06_52_COPY_01&utm_medium=email&utm_term=0_5bd07ecd68-ee270d4019-336961237

Recording of 24 September expert panel on missing persons and memory governance, hosted by the T.M.C. Asser Instituut, MELA Project and United Nations Working Group on Enforced or Involuntary Disappearances: https://www.youtube.com/watch?v=LVLZqW1f0o4&feature=emb_logo&ab_channel=T.M.C.AsserInstituut

International Standards Organization: ISO 16175, second edition, “Processes and functional requirements for software for managing records.” <https://www.iso.org/obp/ui/#iso:std:iso:16175:-1:ed-2:v1:en> <https://www.iso.org/obp/ui/#iso:std:iso:ts:16175:-2:ed-2:v1:en>

World Resources Institute: “Undermining Rights: Indigenous Lands and Mining in the Amazon”: https://publications.wri.org/undermining_rights/executive-summary#data-and-findings

The Conversation: “Repatriating the archives: Lumbee scholars find their people and bring them home”: <https://theconversation.com/repatriating-the-archives-lumbee-scholars-find-their-people-and-bring-them-home-129220>

Please share news with us! trudy@trudypeterson.com

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