

News of November 2018

Issue no. 108

Written and compiled by Trudy Huskamp Peterson for the HRWG

Commentary.

Once upon a time there was a little house. It was in the old part of the city, and old people lived in it. They had raised their family in the house, as had their parents and their grandparents. None of the families had very much money, and after all the years and all the children, the little house started to sag and lean and leak when it rained. One day a real estate developer offered to buy the house. He planned to tear it down and build a grand new apartment building; he planned to make a lot of money. The owners were happy to sell and move. The developer asked the city for a permit to tear down the little house. To his surprise, the city said no, the house was in the old city and it was part of the city's historic fabric. The developer was angry. He decided that he would just let the rain and the wind do their work on the little house; he would neglect how it looked. Surely if the roof caved in and the porch separated from the kitchen he would be allowed to tear it down. He practiced demolition by neglect.

Archives too often are treated like the little house. They are neglected; records rot. A few examples:

*In 2016 the state archives in Jammu and Kashmir (India) said the government had not turned records over to it since 1985.

* In Guatemala the Archivo General de Centro America, officially created in 1937 and holding what it believes is "the most comprehensive collection found anywhere in the world of historical records spanning the period of Spanish rule in the Americas" (1544-1831), has only four staff members and is in a building that has not had room to accession new materials since the 1960s.

*The national archives of Nepal and Peru are being "evicted" from their building because the courts (not the archives) need more space.

*Some countries, like the Republic of the Marshall Islands, have no national archives at all.

From "incomplete" records in Indonesia to open windows where butterflies and birds can enter the archives in Sierra Leone, records are in peril. Whether the neglect by the government is unintentional, coldly dismissive, or intended to make certain records disappear, the result is same: the archives are, day by day, being destroyed.

The owner of government archives is the people of the nation, and it is the people's government that is the neglecter. In other words, unlike the owner of the little house, we hurt ourselves not help ourselves in demolition by neglect. For everyone who wants to prove ownership of a piece of land or the birth of a child or the right to vote or the need to prove innocence of a crime, records are essential. In the case of sensitive records, such as those of the police or pertaining to indigenous people, the lack of support by the government allows critical evidence to deteriorate beyond the point of repair and outside the reach of persons whose lives are affected by access to archives. And the situation is ever more dire as governments create electronic records which neglected archives have no means to manage.

It is essential that international bodies state clearly that neglect of records violates human rights. The Office of the High Commissioner for Human Rights should issue such a statement; surely, as the current High Commissioner was a victim of state crime in Chile, she knows how important records are for protecting and protesting the violation of human rights. The Inter-American Commission on Human Rights should issue a similar finding. These statements should be officially transmitted to all national governments, putting governments on notice that they are expected to comply. And in the Universal Periodic Review, the unique process which involves a review by the UN Human Rights Council of the human rights records of all UN Member States, one of the preparatory questions should be what actions the State has taken to preserve and protect and provide access to the archives in its country in fulfilment of its human rights obligations.

And the little house? The developer sold it to a public spirited citizen, who repaired the roof and patched the porch. And it lived happily ever after.

HRWG News. Concern about the future of the Guatemala Police Archives prompted a number of organizations to write to international actors. The HRWG wrote to the High Commissioner for Human Rights; that letter is in the Annex to this *HRWG News*. The Asociación Latinoamericana de Archivos (ALA) sent a letter to the United Nations Development Program office in Guatemala and the Minister of Culture: <http://www.alaarchivos.org/ultimas-noticias/comunicado-ante-la-situacion-del-archivo-historico-de-la-policia-nacional-de-guatemala/> as did Archiveros sin Fronteras: <http://www.arxiv.org/home/es-es/jornada-es/item/236-comunicado-asf-ahpn>. ALA also sent a letter to the Inter-American Commission on Human Rights; that letter also is in the Annex to this *News*.

Readers will notice that the section of national news in this issue is brief. The reason is that so much news happened in November that including it all would have made this issue more than we can reasonably ask volunteers to translate into French and Spanish (as they patiently do for each issue). Consequently, this issue has all the news from international sources, on topics of general interest, and with bilateral or multilateral concerns, but only a few national items. An English-only supplement to this issue with all the national news (from Albania, Argentina, Australia, Cambodia, Colombia, El Salvador, Estonia, France, India, Indonesia, Iran, Israel, Japan, Laos, Lebanon, Nepal, Nigeria, Philippines, Poland, Romania, Syria, Tanzania, Tunisia, United Arab Emirates, United Kingdom, United States) is available to anyone who requests it from Trudy@trudypeterson.com.

International news.

European Court of Human Rights. In *Alekseyev and Others v. Russia*, the Court ruled that Russia discriminated against seven Russian nationals by banning LGBT public events and treating “in a discriminatory manner” their written requests for permits to hold such events. <https://hudoc.echr.coe.int/rus#%7B%22documentcollectionid%22:%5B%22GRANDCHAMBER%22,%22CHAMBER%22%5D,%22itemid%22:%5B%22001-187903%22%5D%7D>

Extraordinary Chambers of the Courts of Cambodia. The Court sentenced Nuon Chea, 92, who was second-in-command in the Khmer Rouge regime, and Khieu Samphan, 87, who served as head of state, to life imprisonment for genocide and crimes against humanity carried out between 1977 and 1979. The records of the case are massive. https://www.theguardian.com/world/2018/nov/16/khmer-rouge-leaders-genocide-charges-verdict-cambodia?utm_term=.RWRpdG9yaWFsX0d1YXJkaWFuVG9kYXIVS19XZVrZGF5cy0xODExMTY%3D&utm_source=esp&utm_medium=Email&utm_campaign=GuardianTodayUK&CMP=GTUK_email

Food and Agriculture Organization (FAO). FAO’s new study on poverty in Latin America, based on the Economic Commission for Latin America and the Caribbean (ECLAC)’s Household Survey Data Bank and Social Panorama of Latin America 2017, found that, “From 1990 to 2014, rural poverty in the region had fallen by almost 20 percentage points, from 65 percent to 46 percent of the relevant population. But between 2014 and 2016, both poverty and extreme poverty increased by two percentage points each, reaching 48.6 percent and 22.5 percent, respectively.” An FAO official said, “We cannot tolerate that one of every two rural inhabitants is poor, and one in five, indigent.” <http://www.fao.org/news/story/en/item/1171057/icode/>

Inter-American Court of Human Rights. The Court found that Venezuela was responsible for “acts of torture and sexual slavery committed against Lina Loaiza Lopez Soto, who was kidnapped “by a private individual who kept her deprived for liberty for almost 4 months.” The Court found Venezuela “responsible for the insufficient and negligent response of government officials who were aware of the risk” from the date Ms. Lopez Soto’s sister “had lodged a complaint with the police” (providing documentary evidence). As a team of researchers from the London School of Economics and Political Science wrote, this is “another ground-breaking decision on state responsibility for acts of gender-based violence against women by non-state actors from the Inter-American system.” http://www.corteidh.or.cr/docs/casos/articulos/seriec_362_esp.pdf; <http://blogs.lse.ac.uk/wps/2018/12/06/inter-american-court-reaches-landmark-decision-on-torture-and-sexual-slavery/>

International Criminal Court (ICC). Dominic Ongwen, a former brigade commander of the Lord's Resistance Army (LRA) that terrorized northern Uganda, is on trial for crimes against humanity and war crimes. A witness who is a former member of the high command of the LRA told the Court that in 2012 "he used FM radio to appeal to Dominic Ongwen" to leave the LRA; the prosecutor played a clip of the recording. The witness also identified the photograph of a senior commander of the LRA on a flier urging people who were still "in the bush to escape," reported the *International Justice Monitor*. <https://www.ijmonitor.org/2018/11/witness-testifies-about-his-2012-radio-appeal-to-ongwen-to-leave-the-lra/>

Alfred Yekatom was arrested and transferred to the Court on a warrant "for his alleged criminal responsibility for war crimes and crimes against humanity" committed between December 2013 and August 2014 in the Central African Republic, *OpinioJuris* reported. Yekatom "participated in the so-called 'anti-balaka' movement, a coalition of predominantly Christian and animist self-defense groups that sought to counter the Séléka, a predominantly Muslim group which came to power in March 2013." <http://opiniojuris.org/2018/11/19/at-long-last-the-international-criminal-court-strikes-in-the-central-african-republic/>

International Finance Corporation (IFC). In October IFC issued a "Position Statement on Retaliation Against Civil Society and Project Stakeholders." It opens by saying, "IFC recognizes the responsibility of the private sector to respect human rights." It stresses that the projects it will finance "must adhere to our Performance Standards, which are referenced in our legal agreements," of which "Performance Standard 1 requires our clients to undertake stakeholder engagement and ensure disclosure of information." https://www.ifc.org/wps/wcm/connect/ec379db4-56f1-41e1-9d86-8ea05945bc67/201810_IFC-position-statement-on-retaliation-and-threats-of-reprisals.pdf?MOD=AJPERES

United Nations. The Human Rights Office of the United Nations Assistance Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued a joint report, "Unearthing Atrocities: Mass Graves in territory formerly controlled by ISIL." As of 6 November 2018, based on information from the Mass Graves Directorate of the Martyrs Foundation ("the lead Iraqi entity responsible for mass graves"), the Ministry of Defence and the Ministry of Interior of Iraq, the Kurdistan Regional Ministry of Martyrs and Anfal Affairs, local authorities at governorate and district level, the International Commission on Missing Persons, and the "network of contracts" of the two agencies, UNAMI/OHCHR "documented 202 mass graves sites" with an estimated 6,000 to more than 12,000 victims buried there. The Iraqi High Commission for Human Rights "is tasked with issuing decisions to open mass graves." When that decision is made, the Mass Graves Directorate develops "a map of the area, followed by the opening of a file that contains background information on the site, witness testimony, if any, photographs, and a record of the location through GPS grid referencing." UNAMI/OHCHR said successful identification of remains "will most likely rely on DNA from victims and relatives, as well as clothing and documentation such as medical records (dental and health)." They recommended that Iraq "establish an efficient centralized information portal to analyze and safeguard all available data and information within a secured and searchable platform." They further urged the government to establish an Office of Missing Persons with a "public, centralized registry of missing persons" and to ensure that information is available to "judicial investigating authorities." https://ohchr.org/Documents/Countries/IQ/UNAMI_Report_on_Mass_Graves4Nov2018_EN.pdf

On November 25, the International Day for the Elimination of Violence against Women, Phumzile Mlambo-Ngcuka, the Executive Director of UN Women, wrote, "It is deeply wrong that the vast majority of perpetrators of violence against women and girls face no consequences. Only a minority of cases are ever reported to the police; an even smaller percentage result in charges, and in only a fraction of those cases is there a conviction. Police and judicial institutions must take reports seriously, and prioritize the safety and wellbeing of survivors, for example by making more female officers available for women reporting violence." Records clearly are lacking. <http://www.un.org/en/events/endviolenceday/messages.shtml>

World Health Organization (WHO). WHO issued the annual world malaria report, drawing on "data from 91 countries with ongoing malaria transmission" supplemented by "data from national household survey and databases held by other organizations." Alarming, after declining for years, malaria cases are on the rise, *Reuters* reported. <http://news.trust.org/item/20181119122718-32tit/>

http://www.who.int/malaria/publications/world-malaria-report-2018/en/?utm_source=STAT+Newsletters&utm_campaign=eef6f4bae6-MR_COPY_08&utm_medium=email&utm_term=0_8cab1d7961-eef6f4bae6-149736437

World/general news.

Business records. Using “public information on practices and policies on issues such as transparency, forced labour and the living wage,” the U.K. nongovernmental Corporate Human Rights Benchmark rated 100 “major apparel, agricultural and extraction firms” and found that almost two-thirds scored less than 30 points on a 100 point scale, reported *Thomson Reuters Foundation*. Even more startling, “more than 40% of businesses analysed scored zero on human rights due diligence—the practice of identifying and addressing the risk of abuses.” <http://news.trust.org/item/2018112005827-8swhl/>; https://www.business-humanrights.org/en/corporate-human-rights-benchmark-releases-2018-ranking-results-on-human-rights-performance-of-101-companies?utm_source=Business+%26+Human+Rights+Resource+Centre+Updates&utm_campaign=8911edda6a-EMAIL_CAMPAIGN_2018_11_11_06_20&utm_medium=email&utm_term=0_c0049647eb-8911edda6a-182072537&mc_cid=8911edda6a&mc_eid=f1f6556540

A reporter for *The Guardian* returned to a Samsung manufacturing plant in Malaysia he had visited two years before and found the same dismal conditions, including workers required to surrender their passports to Samsung officials. For the story and Samsung’s reply, see <https://www.theguardian.com/global-development/2018/nov/08/samsung-should-try-imagining-a-world-where-big-firms-respect-workers>; <https://www.business-humanrights.org/sites/default/files/Samsung%20-%20BHRRC%20-%20response%20-%20Malaysia%20-%20signed.pdf>

Swedwatch and Diakonia, two Swedish nongovernmental organizations, and the Peruvian NGO Human Rights Commission of Ica, interviewed over 100 people in rural and urban areas of the Ica valley, Peru, to investigate the “water-related human rights risks associated with the production of agricultural goods.” While it focuses on seven Swedish companies buying fresh vegetables for the area, the findings—that the “companies’ follow-up of their suppliers’ compliance with human rights requirements is lacking” and “water scarcity has many severe implications of local communities” including health problems and community conflict—could be applied to other buyers as well. The records of the NGOs are important sources for any future claims. http://www.swedwatch.org/wp-content/uploads/2018/11/92_To-the-last-drop_Full-report.pdf

A report from the Access to Medicine Foundation looked at the 20 largest “research-based pharmaceutical companies” which “account for 70% of global pharmaceutical revenues.” Using data “collected via a detailed survey of pharmaceutical companies regarding their policies and practices on access to medicine,” and from sources including the U.S. Food and Drug Administration, the European Medicines Agency, ClinicalTrials.gov, annual filings and reports from companies, among others, the report shows how the companies “address access to medicine,” including developing new tools, vaccine and treatments. *STAT* reported that “much of the research is focused on just five diseases — including malaria, HIV/AIDS, and tuberculosis — which means many others are going unaddressed. The areas receiving the least attention: maternal and neonatal health conditions and neglected tropical diseases.” https://accessmedicinefoundation.org/media/uploads/downloads/5bf54b5477bf2_2018Index_STAT_News_EdSilverman_20Nov.pdf; <https://accessmedicinefoundation.org/how-to-radically-ramp-up-access-to-healthcare>

Telesur published a summary report on the long-running case against Chevron/Texaco brought by people in Ecuador. For background, see *HRWG News* 2016-08 and 2017-01. https://www.telesurenglish.net/pages/Especiales/A_CANCER_IN_THE_AMAZON/index.html

Global Witness, a nongovernmental organization based in London, published “Take the Future: Shell’s Scandalous Deal for Nigeria’s Oil,” summarizing its previous findings and adding that the deal between Nigeria and the Shell and Eni oil companies will “deprive the people of Nigeria of an estimated \$6 billion in future revenues,” money that “is equivalent to twice the country’s annual health and education budget, or enough to train six million teachers.” For background, see *HRWG News* 2017-04. https://www.globalwitness.org/en/campaigns/oil-gas-and-mining/take-the-future/?utm_medium=email&utm_source=engagingnetworks&utm_campaign=campaign&utm_content=OPL+Nigeria+Email+A

A nearly yearlong joint investigation of the global medical devices industry was conducted by the International Consortium of Investigative Journalists, *Associated Press*, *The Guardian* and more than 50 other media partners around the world. “Reporters collected and analyzed millions of medical records, recall notices and other product safety warnings, in addition to interviewing doctors, patients,

researchers and company whistleblowers,” reported *AP*. Here are some of the stories that the investigation brought to light:

*The International Consortium of Investigative Journalists, investigating the hazards caused by breast implants, reported that a rare form of cancer is linked to “textured breast implants” and the product “may be associated with autoimmune disorders.” The investigators “interviewed dozens of women around the world” who are members of social media groups focusing on breast implant illnesses. And they found that the U.S. Food and Drug Administration [FDA] has had thousands of claims filed with it about problems with implants. From the research the Consortium created an International Medical Devices Database that provides information on 1,100 “device companies and their subsidiaries” in 11 countries (Australia, Canada, Finland, India, Lebanon, Mexico, Netherlands, Peru, Spain, Switzerland and the United States), allowing users to “explore more than 70,000 recalls, safety alerts and field safety notices of medical devices.” <https://www.icij.org/investigations/implant-files/> ; <https://scroll.in/latest/903502/implant-files-international-journalism-body-creates-database-to-track-faulty-medical-devices>

* *The Guardian* reported that the Prolift vaginal mesh implant made by Johnson&Johnson was launched in 2005 “despite the company being warned it could shrink and harden inside the body” as revealed by internal emails between executives. “The documents are among hundreds submitted to a US court as part of a civil case” brought by a woman who suffered grievous complications after receiving the implant. https://www.theguardian.com/society/2018/nov/27/vaginal-mesh-implant-sold-despite-warnings-could-cause-pain-johnson-johnson?utm_term=RWRpdG9yaWFsX0d1YXJkaWFuVG9kYXIVS19XZWVrZGF5cy0xODExMjg%3D&utm_source=esp&utm_medium=Email&utm_campaign=GuardianTodayUK&CMP=GTUK_email

* *The Associated Press* reported, “The media partners found that, across all types of medical devices, more than 1.7 million injuries and nearly 83,000 deaths were reported to the FDA over the last decade.” “In response to reporters’ questions, the FDA said last week that it was taking new action to create ‘a more robust medical device safety net for patients through better data.’” https://www.statnews.com/2018/11/25/medical-devices-pain-other-conditions-more-than-80000-deaths-since-2008/?utm_source=STAT+Newsletters&utm_campaign=7582301979-MR_COPY_01&utm_medium=email&utm_term=0_8cab1d7961-7582301979-149736437

The medical school at the University of California at San Francisco opened a “UCSF Food Industry Document archives” containing over 32,000 documents, including donated personal papers, documents obtained through Freedom of Information Act requests, and items published on “DC Leaks, a website with ties to a Russian cyber-espionage group,” *Civil Eats* reported. The documents reveal “how the food industry mimics big tobacco to suppress science, shape public opinion” and the “conflicts of interest and aggressive tactics to squelch important public health information.” <https://civileats.com/2018/11/28/new-archive-reveals-how-the-food-industry-mimics-big-tobacco-to-suppress-science-shape-public-opinion/>

U.K.’s Information Commissioner Office (ICO) published the summary results of its investigation into the use of data analytics for political purposes, *SC Magazine* reported. The ICO said it had 700 terabytes of data to examine – equivalent to 52.5 billion pages (the magazine said this “is presumably contained in the 85 pieces of equipment, including servers, which [ICO] has seized”). The report “recommends the introduction of a statutory code of practice for the use of personal data in political campaigns.” <https://www.scmagazineuk.com/information-commissioner-calls-regulation-social-media-following-cambridge-analytica-scandal/article/1498231>

The British Parliament obtained a set of internal Facebook documents from a lawsuit against Facebook by Six4Three in California. The California court ordered the documents to remain under seal, but, reported the *Guardian*, using a “rare parliamentary mechanism” they were provided to a member of a parliamentary committee looking into Facebook, “fake news” and disinformation. <https://edition.cnn.com/2018/11/24/us/six4three-facebook-uk-parliament/index.html>; <https://www.theguardian.com/technology/2018/nov/24/mps-seize-cache-facebook-internal-papers>

Adding to Facebook’s troubles, it commissioned Business for Social Responsibility (BSR), a nongovernmental organization based in California, to “undertake a human rights impact assessment . . . of the company’s presence in Myanmar.” Using a “methodology based on the UN Guiding Principles on Business and Human Rights,” BSR conducted “a documentation review, direct consultation with around

60 potentially affected rightsholders and stakeholders during two visits to Myanmar by BSR staff, and interviews with relevant Facebook employees.” Among the conclusions: “The Facebook platform in Myanmar is being used by bad actors to spread hate speech, incite violence, and coordinate harm. This is resulting in increased levels of self-censorship, especially among vulnerable groups such as political activists, human rights defenders, women, and minorities.”

https://fbnewsroomus.files.wordpress.com/2018/11/bsr-facebook-myanmar-hria_final.pdf

Civil society. Freedom House, a U.S. nongovernmental organization, published its annual report on *Freedom on the Net*. It said that for the eighth straight year global internet freedom declined, as the internet is used to “disrupt democracies.” Including a statement of the methodology it uses to determine its findings, the study covered 65 countries that have 87% of the world’s internet users. The conclusion: “Disinformation and propaganda disseminated online have poisoned the public sphere. The unbridled collection of personal data has broken down traditional notions of privacy. And a cohort of countries is moving toward digital authoritarianism.” <https://freedomhouse.org/report/freedom-net/freedom-net-2018/rise-digital-authoritarianism>

Almost simultaneously, Civicus Monitor, “a global research collaboration based in the U.K.,” issued a report called *People Power Under Attack 2018* “which rates and tracks the respect for fundamental freedoms in 196 countries.” It also published the methodology it uses to rate countries, noting “information from civil society groups on the ground is taken to be the most accurate and credible.” The conclusion: “Nearly six in ten countries are seriously restricting people’s fundamental freedoms of association, peaceful assembly and expression. This reflects a continuing crisis facing civil society organisations and activists across the world, with the space for civic activism most commonly undermined through censorship, attacks on journalists and harassment of human rights defenders.” <https://monitor.civicus.org/>

The Economist “analysed all international and civil wars since 1900” in which at least 100 people per year were killed, “along with the belligerents’ wealth and degree of democratization (assigning colonies to their own category).” It found the “countries most prone to wars appear to be neither autocracies nor full democracies, but rather countries in between” and “middle-income countries are more warlike than very poor or rich ones.” Given the findings of Freedom House and Civicus, this is a worrying conclusion. <https://www.economist.com/graphic-detail/2018/11/08/which-countries-are-most-likely-to-fight-wars>

Climate change. The Union of Concerned Scientists, a U.S. nongovernmental organization, released *The 2018 Climate Accountability Scorecard*. The Union studied eight major oil, gas, and coal companies and found that while the companies are facing “mounting shareholder, political and legal pressure to stop spreading climate disinformation and dramatically reduce emissions of heat-trapping gasses,” the companies “rather than make measureable or serious changes to their businesses” have taken “small actions with minimal impact; continue to downplay or misrepresent climate science; and support climate-denying politicians, trade associations, and other industry groups that spread disinformation and oppose climate policies.” The findings are based on publicly available information from July 2016 through June 2018, including from “company annual reports, proxy statements, sustainability reports,” company websites and press releases, filings with government regulators, and “transcripts and recordings of corporate annual meetings.” https://www.ucsusa.org/climate-accountability-scorecard-2018#.W_Nwj4wXAdV

Medical records. Beginning in 2002, 2,318 kindergarten and first grade children from 45 public schools across 13 Southern California communities were given an annual height and weight measurement until they were ten years old. Researchers used that data and, for a subset of the children, “birth weight and gestational age at birth which were extracted from the California vital statistics records,” matched the children “to the state’s vital records database,” and added data on the traffic on the roads near where the children lived. They reported in *Environmental Health* “that by age 10, children suffering high early exposure” to nitrogen dioxide, which is emitted by diesel engines, “were almost 1 kilogram heavier on average than those with low exposure.” The researchers concluded “that elevated early life NRAP [near roadway air pollution] exposures contribute to increased obesity risk in children.” https://www.theguardian.com/environment/2018/nov/04/childhood-obesity-linked-to-air-pollution-from-vehicles?utm_term=RWRpdG9yaWFsX0d1YXJkaWFuVG9kYXIVS19XZlVrZGF5cy0xODExMDU%3D&utm_source=esp&utm_medium=

Email&utm_campaign=GuardianTodayUK&CMP=GTUK_email; for the study <https://ehjournal.biomedcentral.com/articles/10.1186/s12940-018-0409-7>

All “lead trauma hospitals” in the Canadian province of Ontario submit data on patients they treat to the Ontario Trauma Registry. Researchers “linked Ontario Trauma Registry records to . . . corresponding records in the National Ambulatory Care Reporting System or the Discharge Abstract Database for additional information about the episode of care for the injury.” They also “used OHIP [Ontario Health Insurance Program] billing data to determine whether patients had trauma surgery during their care.” The study included “patients with a major traumatic injury from the Ontario Trauma Registry who were discharged between April 1, 2005, and December 31, 2010.” After examining the records of nearly 20,000 patients, the researchers reported in *CMAJ* that they found that “survivors of major trauma are at a heightened risk of developing mental health conditions or death by suicide in the years after their injury. Patients with pre-existing mental health disorders or who are recovering from a self-inflicted injury are at particularly high risk.” http://www.cmaj.ca/content/190/45/E1319?utm_source=STAT+Newsletters&utm_campaign=efe559d68c-MR_COPY_12&utm_medium=email&utm_term=0_8cab1d7961-efe559d68c-149736437

“From 1962 to 1971, the U.S. military sprayed herbicides over Vietnam to strip the thick jungle canopy that could conceal opposition forces, destroy crops that those forces might depend on, and clear tall grass and bushes from the perimeters of U.S. bases and outlying encampments. The most commonly used chemical mixture sprayed was Agent Orange, which was contaminated with the most toxic form of dioxin.” Now the U.S. National Academies of Sciences, Engineering and Medicine has issued a new finding on “health problems that may be linked to exposure to Agent Orange and other herbicides used during the Vietnam War,” saying there is “sufficient evidence of an association for hypertension and monoclonal gammopathy of undetermined significance (MGUS).” This finding would apply to Vietnamese and personnel of any nation who were in Vietnam during that period. Ironically, the “exact number of U.S. military personnel who served in Vietnam is unknown because deployment to the theater was not specifically recorded in military records, but estimates range from 2.6 million to 4.3 million.” http://www8.nationalacademies.org/onpinews/newsitem.aspx?recordid=25137&_ga=2.66997294.1460617645.1545003374-1837533931.1541327372

A Chinese scientist announced that he had “enrolled seven couples in a clinical trial, and used their eggs and sperm to create embryos through in vitro fertilization. His team then used CRISPR to deactivate a single gene called *CCR5* in the embryos, six of which they then implanted into mothers,” *The Atlantic* and many other media reported. The Organisers of the Second International Summit on Human Genome Editing issued a statement denouncing the gene editing, stating that the procedure was deeply flawed by “inadequate medical indication, a poorly designed study protocol, a failure to meet ethical standards for protecting the welfare of research subjects, and a lack of transparency in the development, review and conduct of clinical procedures,” all of which should have included detailed documentation. <https://www.theatlantic.com/science/archive/2018/11/first-gene-edited-babies-have-allegedly-been-born-in-china/576661/> ; https://www.hongkongfp.com/2018/11/29/hong-kong-conference-slams-deeply-disturbing-baby-gene-editing-claim-chinese-scientist/?et rid=28154834&s_campaign=fastforward:newsletter

A new category of crime known as “fertility fraud” is contributing to “a growing movement pushing for stronger safeguards on assisted reproduction and tougher penalties when things go wrong,” the *Washington Post* reported. Records of DNA testing and records of medical clinics providing fertility services are key to such efforts. https://www.washingtonpost.com/national/health-science/fertility-fraud-people-conceived-through-errors-misdeeds-in-the-industry-are-pressing-for-justice/2018/11/22/02550ab0-c81d-11e8-9b1c-a90f1daae309_story.html?noredirect=on&utm_term=.299a508ca6ea&wpisrc=nl_rainbow&wpm=1

Privacy. The Dutch government said “the telemetry data collection mechanism used by Microsoft office breaks the EU General Data Protection Regulation,” reported *Zero Day*. The report by the Dutch government said “investigators didn’t find any official documentation about what information Microsoft collects through Office and no way of turning Office telemetry off, raising a serious privacy concern for all current Office users, regardless of geographical location.” <https://www.zdnet.com/article/dutch-government-report-says-microsoft-office-telemetry-collection-breaks-gdpr/>

Bologna, Italy, announced a six month trial of using five drones to surveil the city. A city councillor said, reported *euronews*, “The system will be used for major events, for the safety of citizens, for construction abuses or environmental crimes, privacy is guaranteed by the laws of the state, so there is no risk.”

https://www.euronews.com/2018/11/26/big-brother-bologna-city-set-to-test-surveillance-drones?utm_source=newsletter&utm_medium=en&utm_content=big-brother-bologna-city-set-to-test-surveillance-drones&_ope=yJndWlkjoiOGZjZDdlZmQ5ZTlkNjM4OWI5ZjkxNGFkMzRhNTk0OGQifQ%3D%3D

Meanwhile, the U.S. National Institute of Standards and Technology “assembled an archive of digital readout from 14 commercial drones, with the goal of helping law enforcement officials learn how to best extract this little-used trove of data,” *Wired* reported. “The information was collected from circuit boards and onboard cameras, as well as from the pilot’s handheld controller and the smartphone apps that run some drones.”

[https://www.wired.com/story/your-drone-can-give-cops-a-surprising-amount-of-your-data/?CNDID=53684912&CNDID=53684912&bxid=MjcwMDU3MDMwNzYzS0&hasha=8fcd7efd9e9d6389b9f914ad34a5948d&hashb=be86af3880f5d49a71f804266e79b70bb4fa408d&mbid=nl_111818_daily_list1_p1&utm_brand=wired&utm_mailing=WIREd%20NL%20111818%20\(1\)&utm_medium=email&utm_source=nl](https://www.wired.com/story/your-drone-can-give-cops-a-surprising-amount-of-your-data/?CNDID=53684912&CNDID=53684912&bxid=MjcwMDU3MDMwNzYzS0&hasha=8fcd7efd9e9d6389b9f914ad34a5948d&hashb=be86af3880f5d49a71f804266e79b70bb4fa408d&mbid=nl_111818_daily_list1_p1&utm_brand=wired&utm_mailing=WIREd%20NL%20111818%20(1)&utm_medium=email&utm_source=nl)

In the United Kingdom, the Trades Union Congress expressed alarm over the growing interest among companies of implanting microchips in employees to “improve security,” the *Guardian* reported. “The tiny chips, implanted in the flesh between the thumb and forefinger, are similar to those for pets. They enable people to open their front door, access their office or start their car with a wave of their hand, and can also store medical data.” The founder of Biohax, a Swedish firm that provides such implants, said the chips could improve corporate security because “companies have sensitive documents they are dealing with. [The chips] would allow them to set restrictions for whoever.”

<https://www.theguardian.com/technology/2018/nov/11/alarm-over-talks-to-implant-uk-employees-with-microchips>

Specialists in “applied resilience measurement, evaluation, and learning” held a “first-ever conference,” reported *Thomson Reuters Foundation*. (The definition of resilience seems to be “generating robust knowledge which enables society to better invest in paths to a resilient future for all.”) Some participants “questioned whether data collection in developing countries is being handled appropriately,” especially “amid a surge in digital data influencing the delivery of aid. One development worker who asked to remain anonymous because he was not authorized to speak to the press warned data sets are being sent, unprotected, by email ‘more often than you think’.”

<http://news.trust.org/item/20181116172915-0k1p7/>

Sexual violence. The Trans Murder Monitoring project “systematically monitors, collects and analyses reports of homicides of trans and/or gender-diverse people worldwide.” Based in Berlin, Germany, it said it has received “at least 369 reports of trans people killed within the last 12 months, but said the true number may be significantly higher.” Brazil leads the world, with at least 167 people killed in the last 12 months, *Thomson Reuters Foundation* reported. Records are implicated: “Nearly three quarters of known U.S. victims in 2018 [28 persons] were initially identified by their previous gender in police or media reports, a practice activists say is disrespectful and can hamper investigations.”

<http://news.trust.org/item/20181120075803-0k6vn/>

Technology. In 2014 Google bought a technology company named DeepMind. DeepMind developed an app called Stream “that can alert staff when patients show early signs” of kidney failure; it is being tested in U.K. hospitals. Google now announced that it will take control of the app; DeepMind promised that “data will never be connected to Google accounts or services, or used for any commercial purposes like advertising or insurance,” *Wired* reported. Privacy advocates expressed concern, with a researcher from the University of Edinburgh saying “aging, sickening populations in the US and UK drive health systems to work with tech companies to reduce costs—but also leave them ill-equipped to monitor data use.”

[https://www.wired.com/story/googles-past-data-use-could-impede-healthcare-push/?CNDID=53684912&CNDID=53684912&bxid=MjcwMDU3MDMwNzYzS0&hasha=8fcd7efd9e9d6389b9f914ad34a5948d&hashb=be86af3880f5d49a71f804266e79b70bb4fa408d&mbid=nl_111818_daily_list3_p1&utm_brand=wired&utm_mailing=WIREd%20NL%20111818%20\(1\)&utm_medium=email&utm_source=nl](https://www.wired.com/story/googles-past-data-use-could-impede-healthcare-push/?CNDID=53684912&CNDID=53684912&bxid=MjcwMDU3MDMwNzYzS0&hasha=8fcd7efd9e9d6389b9f914ad34a5948d&hashb=be86af3880f5d49a71f804266e79b70bb4fa408d&mbid=nl_111818_daily_list3_p1&utm_brand=wired&utm_mailing=WIREd%20NL%20111818%20(1)&utm_medium=email&utm_source=nl)

The Public Voice coalition is a group of ten nongovernmental organizations that pursues “issues ranging from privacy and freedom of expression to consumer protection and Internet governance.” It released

proposed Universal Guidelines on Artificial Intelligence “to inform and improve the design and use of AI.” <https://thepublicvoice.org/ai-universal-guidelines/>

World War II. “The association of Danish genealogical researchers, Danske Slægtsforskere, has published part of the so-called Bovrup Archive, a list of the majority of the members of the DNSAP {the Danish Nazi party},” reported *CPH Post*. In 1945 the list “was copied and published in book form by members of the Danish Resistance who were angry that a lot of ex-Nazis seemed to have escaped punishment. The original archive contained around 50,000 names, but for some reason the published version only had room for 28,000. However, since the initial publication the book has been subject to a court injunction and not been publicly available.” Danish data protection laws state that persons must be dead for at least 10 years before information about them can be revealed; consequently, “only 5,265 names from the archive will be made public at this time.” Peter Birkelund, senior researcher and archivist at the Rigsarkivet (national archives) warned, “It’s fine if you want to use the archive for family research, but there is no guarantee the lists won’t be used to publicly pillory people.” <http://cphpost.dk/news/danish-nazi-membership-archives-available-online-for-the-first-time.html>

“Charged with aiding and abetting the murder of several hundred prisoners in the Stutthof camp near the Polish city of Gdansk between June 1942 and September 1944,” 94-year-old Johann Rehbogen faces 15 years in a German prison, *euronews* reported. “As he was under 21 at the time, the man will be tried in a German juvenile court, in what is likely to be one of the last trials of its kind.” [Update: the trial was suspended in December when Rehbogen was hospitalized with health problems.] https://www.euronews.com/2018/11/06/a-94-year-old-former-nazi-guard-goes-on-trial-today?utm_source=newsletter&utm_medium=en&utm_content=a-94-year-old-former-nazi-guard-goes-on-trial-today&utm_op=eyJndWlkjoiOGZjZDdlZmQ5ZTIkNjM4OWI5ZjJkxNGFkMzRhNTk0OGQifQ%3D%3D

Mitsubishi Materials Corporation “is in the final stages of setting up a fund that will be used to pay out compensation to thousands of forced Chinese laborers it used during World War II,” *Mainichi* reported. “[A]n organization to handle investigations regarding inheritance rights is yet to be established, no payments have been made to bereaved families.” Mitsubishi agreed to track down “survivors and bereaved families whose whereabouts are unknown . . . [and] also agreed to construct memorials at the sites where the company’s mines were located and organize memorial ceremonies.” An important aid to the process: “After the end of World War II, the Japanese Foreign Ministry compiled an investigative report on Chinese forced labor, including the names of all Chinese males who were brought to Japan.” <https://mainichi.jp/english/articles/20181104/p2g/00m/0in/065000c>

Euronews reported, “The Netherlands’ state-owned train operator is to compensate Holocaust survivors for its role in the transportation of thousands of Dutch Jews to concentration camps during the Second World War.” The company (Nederlandse Spoorwegen) said “it is setting up a commission tasked with looking at how the company can compensate Holocaust survivors or their immediate successors.” Records will be critical for the commission’s work, and the records of the commission will also need preservation. <https://www.euronews.com/2018/11/28/holocaust-survivors-to-be-compensated-by-dutch-wartime-train-operator>

Germany hosted an international conference on the progress made towards restituting art stolen by the Nazis during World War II. Many media reported on the conference, among them the *New York Times*, which summarized the efforts made in Hungary, Poland, Spain, Russia and Italy. <https://www.nytimes.com/2018/11/26/arts/design/five-countries-slow-to-address-nazi-looted-art-us-expert-says.html>; see also <https://lootedart.com/>

Bilateral and multilateral news.

Australia/Papua New Guinea. The Refugee Council of Australia and Amnesty International issued a joint report on the “forgotten men of Manus Island”—refugees living in “transit centres” on Manus Island, Papua New Guinea (PNG). The refugees sought asylum in Australia, which made an agreement with PNG to house them pending final resolution of their claims; some have been kept in PNG since July 2013. The report recommends that the Australian government “end offshore processing immediately and bring [the refugees] to Australia or a safe third country.” In the meantime, PNG should issue or renew work permits for them and “promptly” provide them “with travel and identity documents” and allow them “to travel freely within and leave Papua New Guinea, should they wish to

do so.” For background see *HRWG News* 2017-09 and 10. <https://www.refugeecouncil.org.au/publications/reports/manus-island/>

Balkans. The “Balkan route” for migrants and refugees passes through Albania, Montenegro, Bosnia and “in some instances” Serbia. “Bosnian courts have done little to address the problem of people-smuggling, which is believed to be growing, as thousands of people attempt to cross from the non-EU Bosnia into EU-member Croatia,” *BIRN* reported. “In the first 11 months of 2018, only one person was convicted of smuggling migrants and refugees and received a three-year prison sentence, data from the state court of Bosnia and Herzegovina show,” while eight persons are currently on trial charged with smuggling. From January through early November 2018 “21,163 migrants and refugees were registered as having entered Bosnia, according to the Service for Foreign Affairs.” http://www.balkaninsight.com/en/article/foreigners-involved-in-smuggling-migrants-and-refugees-in-bosnia-11-09-2018?utm_source=Balkan+Insight+Newsletters&utm_campaign=2ba4fa13d3-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-2ba4fa13d3-319725265

The Kosovo Civil Society Group “filed 61 criminal complaints . . . against named Serbs” who, it alleges, “committed crimes in the municipality of Gjakova/Djakovica during the 1998-99 war,” *BIRN* reported. The head of the Civil Society Group said, “We have some 62 files with 100 testimonies and we are continuing to collect evidence from citizens of the Gjakova municipality.” http://www.balkaninsight.com/en/article/kosovo-activists-file-war-crimes-complaints-against-serbs-11-19-2018?utm_source=Balkan+Insight+Newsletters&utm_campaign=2f035af6a1-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-2f035af6a1-319725265

Representatives from Bosnia, Croatia, Kosovo, Montenegro and Serbia signed both a cooperation agreement to identify victims of the 1990s wars and a work plan to do so, said the International Commission on Missing Persons (ICMP), *AFP* reported. “Around 12,000 people are still not accounted for out of the 40,000 missing from the wars that tore apart the former Yugoslavia, according to the ICMP, which helps with DNA testing and the exchange of data.” <https://www.yahoo.com/news/balkans-deal-war-missing-investment-peace-151050345.html>

Belgium/Canada/Democratic Republic of Congo/Germany. In a complicated case, nine communities in the Democratic Republic of Congo filed a formal complaint with German state-owned bank DEG’s Independent Complaints Mechanism Office over DEG’s financing of land purchases by palm oil producer PHC, which is owned by Canadian palm oil producer Feronia. The complaint says 100,000 hectares whose purchase was financed by the bank were “illegally stolen” ancestral lands, reported *AFP*. The land was part of “a gigantic tract of a million hectares unilaterally granted to British Lord Leverhulme” by Belgian’s colonial authority in 1911. DEG said an international group of independent experts “on environmental, social, legal and financial questions will offer an opinion within 25 working days.” Think of the vast archives that could be relevant. <https://www.yahoo.com/news/german-bank-caught-drc-colonial-land-dispute-175438355.html>; for the complaint, see https://www.farmlandgrab.org/uploads/attachment/DEG_Complaint_PHC_Annexes_final_redacted.pdf

Belgium/former African colonies. An article in *RFI* on the debates over the return of cultural property taken to Belgium from former colonies included a suggestion by the president of the Belgian Afro-Descendants Muntu Committee (BAMKO-CRAN): “While waiting for this process to make its way, BAMKO-CRAN invites individuals to return African objects in their possession, even if they are old tams-tams or spears.” For this voluntary return campaign, which will “allow families to set an example for museums,” BAMKO-CRAN will transfer the items to the “International Forum of Sovereigns and Traditional African Leaders” which will be responsible “for finding villages, families and lineages where the objects came from and, if that is impossible, to give them to African museums.” <http://www.rfi.fr/afrique/20181102-belgique-restitution-patrimoine-africain-debat>

Canada/Russia. In late October the Canadian Security and Intelligence Service released records on the 1945 defection of Igor Gouzenko, *Ottawa Citizen* reported. “Gouzenko, then in his 20s, was a cipher clerk at the Soviet embassy in Ottawa with access to all of the secret paperwork. In defecting, he brought stunned Canadian authorities piles of documents proving that the Soviets were spying on Canada, the United States and Britain on a huge scale — and that they were after nuclear secrets.” <https://ottawacitizen.com/news/local-news/tense-tale-of-russian-defector-in-ottawa-revealed-in-documents-from-csis>

China/Hong Kong/United Kingdom. Hong Kong's *South China Morning Post* published an article about young Hong Kong scholars who are researching and copying declassified British government files on Hong Kong at the National Archives in London. After saying the team "should be given credit for ardently organizing and studying" the documents, it cautions that "it is dangerous to rush to rewrite history, and imprudent to regard diplomatic cables as fact before cross-checking them." Former Hong Kong archivist Simon Chu wrote in an email message to me, "What prompted this group of young scholars to undertake such an extensive (and expensive) records search overseas was, apart from their scholarly curiosity and quest for historical truth, the absence and vanishing of related official archives locally." He noted that Hong Kong lacks an archives law, then concluded, "In such a circumstance, the only solution to this quibble about historical truth is to open up relevant archives by all parties concerned as much as possible and as soon as possible as obliged by law." <https://www.scmp.com/comment/insight-opinion/hong-kong/article/2173215/hong-kong-localists-mine-britains-diplomatic>

Democratic Republic of Congo/United Kingdom. Freedom from Torture, a U.K. nongovernmental organization, issued a report analyzing "the information contained in 74 medico-legal reports prepared for Congolese men and women" now seeking asylum in the U.K. that were prepared by the group's independent Medico-Legal Report Service between 2013 and 2018. The doctors concluded that the people "were tortured" by "state authorities" while engaging in lawful activities that were seen as hostile by the government. https://www.freedomfromtorture.org/a_tool_to_silence_torture_to_crush_dissent_in_the_democratic_republic_of_congo

France/former colonies. Two experts appointed by French President Emmanuel Macron to make recommendations on restitution of African cultural heritage items held in France recommended "amending French law to allow the restitution of cultural works if bilateral accords are struck between France and African states," *France24* and many other media reported. The proposed restitution would be in three stages, the second of which would have French and African teams "carry out inventories of their collections and share those digitally." Museum and colonial archives will be critical to this work. <https://www.france24.com/en/20181121-macron-advised-return-looted-african-art-treasures-0>; for many links see <http://culturalpropertyrepatriation.blogspot.com/2018/11/france-urged-to-change-heritage-law-and.html>

Iraq/United States. The American Civil Liberties Union sued the U.S. government in 2017 on behalf of about 1,400 Iraqis detained by the U.S. and facing deportation, most of whom "had either overstayed a visa or have a criminal conviction, some of which date back to the 1980s," *NBC News* reported. "Iraq has historically refused to take back deportees from the U.S. who did not voluntarily return," although they accepted a small group in early 2017, "but thousands of pages of government documents released . . . indicated that the two countries did not have a clear pledge that Iraq would continue to cooperate." The judge ordered that any detainee who has been in custody more than six months must be freed within the next 30 days "unless the government can make a case for why an individual should remain detained." The judge said "delays by the government in responding to court orders and producing documents in response to [the] lawsuit had 'shattered' the families of detained Iraqis." https://www.euronews.com/2018/11/22/angry-judge-michigan-orders-iraqi-detainees-released-blasts-government-n938731?utm_source=newsletter&utm_medium=en&utm_content=angry-judge-michigan-orders-iraqi-detainees-released-blasts-government-n938731&_open=eyJndWlkjoiOGZjZDdlZmQ5ZTkNjM4OWI5ZjkxNGFkMzRhNTk0OGQifQ%3D%3D

Israel/Palestine. *Al Jazeera* published an essay titled, "History suppressed: Censorship in Israel's archives." It argued, "Sealed in Israel's archives and libraries are troves of Palestinian books, documents, photographs and films that were looted from Palestinian institutions and personal archives by Jewish militias [starting in the 1930s] and later, the Israeli military." In addition, the archives "also guard state secrets that could reveal details about Israel's treatment of Palestinians." A professor at the University of Haifa said the treatment of the seized Palestinian material is "an attempt to suggest Palestinians have no history, no documents, no belongings." Thanks to Antoon de Baets for the reference. <https://www.aljazeera.com/programmes/listeningpost/2018/11/history-suppressed-censorship-israel-archives-181110122100217.html>

Romania/Ukraine. The number of Ukrainians seeking Romanian citizenship, which will allow them access to European Union jobs and ease travel, has doubled since the start of 2017, *BIRN* reported. However, "those seeking Romanian citizenship must prove that their ancestors were Romanians who lost their citizenship against their will after the Soviet Union annexed Bessarabia [now Moldova] and

northern Bukovina from Romania in June 1940.” http://www.balkaninsight.com/en/article/regaining-romanian-citizenship-in-ukraine-may-lead-to-tensions-11-05-2018?utm_source=Balkan+Insight+Newsletters&utm_campaign=1745b63821-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-1745b63821-319725265

Spain/United States. The *New York Times* reported that “more than 6,400 people from around the world with Sephardic ancestry have obtained Spanish citizenship . . . since 2015, including hundreds so far from the United States,” under a 2015 Spanish law offering citizenship to descendants of Jews expelled from Spain in 1492. The law requires that applicants prove they had at least one Sephardic ancestor who fled Spain; “New Mexico, with its wealth of colonial-era archives and United States census data after the American conquest [of Mexico] in 1848, stands out for its relative ease of delving into records” needed to claim citizenship. The deadline for filing is October 2019. <https://historynewsnetwork.org/article/170440>

United Kingdom/former colonies. Between the end of World War II and 1970, the U.K. government sent thousands of children to “institutions or families” in Canada, Australia, New Zealand and Southern Rhodesia, “often without their parents’ consent,” the *Guardian* reported. In its March 2018 investigative report on the “child migration programmes,” the U.K.’s Independent Inquiry into Child Sexual Abuse recommended that the government establish “a Redress Scheme for surviving former child migrants, providing for an equal award to every applicant.” They urged the government to establish the Scheme “without delay” and payments “should start being made within 12 months.” The Inquiry also recommended “that all institutions which sent children abroad as part of the child migration programmes should ensure that they have robust systems in place for retaining and preserving any remaining records that may contain information about individual child migrants, and should provide easy access to them.” The government has not yet responded to the recommendations, and now a U.K. law firm is “threatening a high court challenge over the perceived failure to respond to the inquiry’s recommendations.”

https://www.theguardian.com/uk-news/2018/nov/25/britains-forced-child-migrants-last-chance-for-justice-australia-canada?utm_term=RWRpdG9yaWFsX0d1YXJkaWVuVG9kYXIVS19XZVWVrZW5kLTE4MTEyNQ%3D%3D&utm_source=esp&utm_medium=Email&utm_campaign=GuardianTodayUK&CMP=GTUK_email; for the report see <https://www.iicsa.org.uk/key-documents/4265/view/child-migration-programmes-investigation-report-march-2018.pdf>

National news.

Canada. A group of 41 individuals requested the Supreme Court of Ontario to issue an order imposing conditions on the use, in particular “what privacy protections apply,” on the “materials and information” transferred to the National Centre for Truth and Reconciliation by the now closed Truth and Reconciliation Commission that investigated the history of the Indian Residential Schools System and the Independent Assessment Process. On 25 October the judge ruled [*Fontaine v. Canada (Attorney General)*, 2018 ONSC 6381] that there is no requirement in the Indian Residential Schools Settlement Agreement (IRSSA) “that provides that all personal information in the historical records should be permanently withheld.” The judge cited a number of archival references in coming to his decision:

“[26] At the time of the negotiations, the international human rights standards associated with a right to justice, a personal and collective right to know, the state’s duty to remember, the best practices for truth commissions, and the standards for the preservation of records relating to systemic human rights abuse in archives were well established. The International Council on Archives’ *Code of Ethics* (1996) and the United Nations Joint-Orontlicher Principles (1997) are the foundational international standards that inform archival practice when managing records with importance for human rights. Preservation of records relating to systemic human rights abuses in archives, including the preservation of the records of truth commissions, was known and understood to be a foundational measure to combat impunity and to respect the “right to know” of individuals and people.”

“[88] As noted above, the negotiators and drafters of the IRSSA were aware of internationally recognized standards for archivists dealing with historical materials and grappling with the problem of the state’s duty to remember and individual privacy concerns. In this regard, the *Principles of Access to Archives* adopted by the International Council on Archives state:

Archivists provide the widest possible access to archives, but they recognize and accept the need for some restrictions. Restrictions are imposed by legislation, by institutional policy, either of the archival institution or its parent body, or by a donor. Archivists ensure that the access

policies and rules for their institution are published so that the restrictions and the reasons for them are clear to members of the public.

Archivists seek to limit the scope of restrictions to those imposed by law or to identified instances where a specific harm to a legitimate private or public interest temporarily outweighs the benefit of disclosure at the time. Restrictions are imposed for a limited period, either for a specified period of time or until a specified condition, such as the death of a person, has occurred.”

Chile. On 14 November Camilo Catrillanca, the 24-year-old son and grandson of leaders of the Mapuche community, was shot dead by police while riding a tractor accompanied by a 15-year-old. The policeman who, according to the 15-year-old, shot Catrillanca, minutes later destroyed the police bodycam video recording of the operation. After first denying the destruction, Chilean authorities acknowledged that an officer deleted and destroyed the recordings. Archivists without Borders Chile issued this statement: “Records are a tool for citizens to demand, on the one hand, that the authorities give an account of their actions, and on the other, the respect for their rights. In this way, the destruction of the video that records the murder of #CamiloCatrillanca, not only constitutes a crime of obstruction of justice, but also puts into question the strength of our democracy, reflecting an authoritarian and not very transparent behavior. As AsF-Chile, we emphasize the importance of records for #transparency, #democracy and #justice, and we join the demand that both political and judicial responsibilities be assumed for these events.” Thanks to Valentina Rojas, president of AsF-Chile, for the information. For some of the voluminous press coverage, see <http://www.eldesconcierto.cl/2018/11/19/declaracion-de-mas-de-siete-horas-dejo-en-evidencia-la-mentira-de-carabineros-en-caso-catrillanca/>; <https://www.youtube.com/watch?v=aXRFBqo293w> ; <http://www.thechiledigest.com/chilean-police-deleted-bodycam-footage-of-controversial-killing/chile-local-news/#more-2169>

Ecuador. The provincial court of Sucumbios (an appeals court) ruled in favor of the indigenous Kofan people of Sinangoe in the Ecuadorean Amazon, upholding the regional court’s July 2018 order to the government to halt to all mining activities in the Kofan territories and to recognize the Kofan’s “right to prior and informed consent to activities related to nature, water, and the environment in their territory,” *telesur* reported. The court also ordered compensation to be paid for environmental damages caused by mining. The government had issued more than 52 mining concessions at the foothills of the Andes, and the Kofan people provided the court with information from “land patrols . . . camera traps, drones and satellite imagery” that documented the environmental damage. <https://readersupportednews.org/news-section2/318-66/53032-ecuador-indigenous-cofan-people-win-battle-against-miners>; <https://www.reuters.com/article/us-ecuador-landrights-mining/in-ecuador-landmark-court-cases-challenge-mining-projects-idUSKCN1NA222>; <https://www.amazonfrontlines.org/chronicles/sinangoe-victory/>

Guatemala. High Risk Tribunal C found Santos López Alonzo, a former member of the Guatemalan military’s Kabil special counterinsurgency unit, guilty for the assassination of 171 men, women, and children in the village of Dos Erres on December 6 and 7, 1982. The court sentenced him to 5,130 years in prison: 30 years for each victim and “an additional 30 years for crimes against humanity committed in the context of the massacre,” reported *International Justice Monitor*. Unfortunately, however, the court said the abduction of Ramiro Osorio Cristales, “who was five at the time of the massacre and who was illegally registered as the child of the accused,” did not “rise to crimes against humanity and acquitted López Alonzo of these charges.” The court did order the National Registry of Persons “to nullify the false birth certificate in which the convict López Alonzo registered him as his son.” <https://www.ijmonitor.org/category/guatemala-trials/>

Honduras. The criminal court convicted seven men of the 2016 murder of indigenous rights defender Berta Caceres. As the Guatemala Human Rights Commission reported, “Since the June 28, 2009, military coup, Berta Caceres frequently denounced the existence of State-sponsored death squads; her murder trial gave a clear illustration of how they operate.” Nonetheless, the trial was flawed, both as to the production of documentary evidence and the lack of prosecution for the “intellectual authors” of the crime. <http://www.ghrc-usa.org/wp-content/uploads/2011/10/Media-Alert-Berta-Caceres-Verdict-GHRC.pdf>

Pakistan. The “Commission of Inquiry on Enforced Disappearances has disposed of 3,633 cases by last month,” reported *The Nation* [Pakistan]. Since its start in 2011 the Commission has handled 5,507 cases, with 1,874 remaining. The Commission defines “forced disappearance/missing person” as “such

person as has been picked up/taken into custody by any Law Enforcing/Intelligence Agency, working under the civilian or military control, in a manner which is contrary to the provisions of the law. The persons, who have gone missing in cases of kidnapping for ransom, personal enmity or on their own, do not fall within the ambit of the Enforced Disappearances (ED).” <https://nation.com.pk/05-Nov-2018/missing-persons-commission-disposes-off-3-633-cases-in-oct?show=preview> The Commission’s regulations require recordkeeping: “The Secretary or any other authorized officer shall ensure that the record of every case is properly maintained and the proceedings are reflected in the order sheets.” <http://coioed.pk/about-us/>

Conferences, publications.

For video of a 23 October 2018 conference in Bogotá, Colombia, on the relevance of documenting the armed conflict and the value of archives for current Colombian transitional justice process, see: <https://www.youtube.com/watch?reload=9&v=oDB2jm1X2Qg>

The University of Oxford, the Stasi Records Archive in Berlin and swisspeace invite abstracts for articles for a special publication on the topic “*Archives in and for transitional justice.*” Abstracts are due by 21 December 2018 to Julia Viebach: julia.viebach@africa.ox.ac.uk.

Good reads. Syria Justice and Accountability Centre on “International Criminal Tribunals and Civil Society: Impediments and Opportunities for Engagement”: <https://syriaaccountability.org/wp-content/uploads/Website-Version-International-Criminal-Tribunals-and-Civil-Society-.pdf>

JusticeInfo.net on the trend in international criminal justice to establish UN evidence-gathering agencies when there is no immediate option for prosecution: <https://www.justiceinfo.net/en/other/39637-what-s-behind-the-rise-of-evidence-gathering-bodies.html>

Open Global Rights on “Tech companies’ inability to control fake news exacerbates violent acts” with focus on Sri Lanka: <https://www.openglobalrights.org/tech-companies-inability-to-control-fake-news-exacerbates-violent-acts/>

The University of Victoria Libraries’ special issue of its journal, *KULA: knowledge creation, dissemination, and preservation studies*, on “endangered knowledge”: <https://kula.uvic.ca/articles/>.

Using artificial intelligence to improve maps for land conservation: <http://news.trust.org/item/20181119162646-hd4xa/>

“Data mapping” in legal discovery: <https://www.jdsupra.com/legalnews/what-is-data-mapping-and-why-does-it-61337/>

“Paradoxes of Visibility: The Proposed Guatemalan Gender Identity Law” by Alejandra Wundram Pimentel and Mónica Leonardo Segura: <https://doi.org/10.1215/23289252-4291538>

Please share news with us! trudy@trudypeterson.com

The Human Rights Working Group is grateful to the online Italian archival magazine *Il Mondo degli Archivi* for handling the distribution of *HRWG News*. To subscribe to the *News*, enter the required information on the form that you will find here: <https://anai.us13.list-manage.com/subscribe?u=5942a8a83f3023c6a5a63139e&id=324882c3f7>

Annexes

Honorable Michelle Bachelet
United Nations High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10, Switzerland
civilsociety@ohchr.org

15 November 2018

Dear High Commissioner Bachelet:

I write to you in my capacity as chair of the Human Rights Working Group of the International Council on Archives in order to convey to you my deep concern about the situation of the Historical Archives of the Guatemalan National Police (Archivo Histórico de la Policía Nacional (AHPN)). The Human Rights Working Group of the International Council on Archives was created in 2003 and is the archival profession's leading advocate for archives as fundamental tools for the defense of human rights.

The AHPN is a key source for the history of Guatemala from the late 19th through the late 20th century. It includes documents that shed light on human rights violations, helping to identify perpetrators, to exonerate persons unjustly accused of human rights violations, and to resolve the fates of persons missing and dead in the decades after World War II.

As you know, the UN Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (E/CN.4/2005/102/Add.1) underlines "the State's duty to preserve archives and other evidence concerning violations of human rights." Similar recommendations are included in several other UN documents, such as the Resolution adopted by the General Assembly on 18 December 2013 on the Right to the truth (n. 68/165), which "Encourages States that have not yet done so to establish a national archival policy that ensures that all archives pertaining to human rights are preserved and protected."

After the archives of the Guatemalan Police was discovered by Guatemala's Human Rights Ombudsman (Procurador de los Derechos Humanos (PDH)) in 2005, the AHPN was created, strongly supported by international donors. The AHPN's work has been carried out by the team coordinated by Gustavo Meoño Brenner, first reporting to the PDH and, later, as a unit within of the General Archive of Central America (Archivo General de Centro América (AGCA)). Millions of documents have been rescued from abandonment and have been arranged, described and made available to the public (many of them can be consulted in digital reproductions on the internet). These records have played a fundamental role in the fight against impunity in Guatemala, and the AHPN staff members have given extraordinary help to victims of human rights violations and to prosecutors. AHPN has been a model in Latin America and in the international archival community.

On 3 August 2018, the Ministry of Culture and the United Nations Development Program (UNDP) in Guatemala informed the AHPN staff that henceforth UNDP-Guatemala would be in charge of the AHPN project, that the contract of AHPN's coordinator, Gustavo Meoño Brenner, would not be renewed, and that a new coordinator from the UNDP-Guatemala staff would lead the AHPN working team.

The archivists that I represent have deep anxiety about the impact of this decision. We are worried about the future of the AHPN, fearing that these changes could mean a step back in the institutionalization of the Historical Archive of the National Police of Guatemala. In our opinion, the National Police documents must be completely integrated within the fonds that the General Archive of Central America holds. That was the main reason that the archival project of

arrangement, description and access to the police records was transferred from the Human Rights Ombudsman to the General Archive in 2009, which is the place for the management of historical archives in accordance with Guatemala's archival legislation. The AGCA, as the historical archive of the Guatemalan State, must guarantee that these documents are at the service of the Guatemalan people, as they have been up to now. Within the General Archive of Central America, the Guatemalan State must, through the national budget, provide the human and materials resources needed for this integration.

I respectfully call your attention to the current political context in Guatemala, with the emergence of dark clouds over human rights, and the unusual step that the United Nations Development Program has taken charge of this project without coordinating with the AGCA professional staff. I believe UNDP should work with the AGCA, the archival professional unit of the Ministry of Culture, to develop a common strategy that ensures the survival of the AHPN, with all the functionalities it has had up to now.

I urgently suggest that you engage the UNDP-Guatemala and the international donors, both those who finance or have financed in the past the recovery of the National Police documents, in a deep debate on the AHPN future. UNDP-Guatemala and the Guatemalan Ministry of Culture should elaborate an action plan for the future of the AHPN, including a clear timetable during which the archival tasks already initiated which must be completed are listed and a time estimated for completion. When those projects are finished, the Guatemalan State, through its institutions, should assume all the expenses involved in the conservation, management, treatment, dissemination and availability of these documents so that they are fully accessible to Guatemalan society in general and to the victims of human rights violations in particular. International aid should not be relied upon indefinitely as the financial support for the conservation and use of National Police documents. The General Archive of Central America including the police archives, like other public institutions in the country, must be sustained over time from the General Budget of the State. During this transition period, a technical commission composed of archives experts and human rights experts should be created to provide advice on the projects to be undertaken and the schedules and costs needed for their development. This commission should also monitor and control the execution of the programmed tasks.

The Human Rights Working Group of the International Council on Archives believes that the Guatemala police archives, professionally managed and adequately funded, is a vital element in helping Guatemala repair the damage caused by political violence and the repression exercised by the organs of State Security and the forces of public order. These archives are essential for justice, in the proceedings against those responsible for the violations of human rights and in the fight against impunity.

Yours truly

Giulia
ICA Human Rights Working Group (Chair)

Barrera,

Ph.D.

CC:

Andrew Gilmour, Assistant Secretary-General for OHCHR

Gilmour@un.org

Liliana Valina, Head of Office

United Nations High Commissioner for Human Rights

lvalina@ohchr.org

ASOCIACIÓN LATINOAMERICANA DE ARCHIVOS
Comunicado ante la situación del
Archivo Histórico de la Policía Nacional de Guatemala

SR. PAULO ABRÃO
SECRETARIO EJECUTIVO
COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS (CIDH)
PRESENTE

La Asociación Latinoamericana de Archivos (ALA) es una entidad de carácter profesional y cultural, sin ánimo de lucro, e integrada por 21 naciones del ámbito iberoamericano. Actualmente, es una de las ramas regionales más activas del Consejo Internacional de Archivos (ICA), organismo adscrito a la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura (UNESCO); y promueve el papel fundamental de la gestión documental y la archivística en la protección de los derechos de los individuos y los pueblos, como también en el respaldo a los procesos democráticos y el buen gobierno.

En la presidencia de la ALA hemos recibido, por diferentes medios y con suma preocupación, las noticias de la crisis que vive el Archivo Histórico de la Policía Nacional (AHPN) de Guatemala desde el 3 de agosto del presente año, tras el ingreso de la oficina local del Programa de las Naciones Unidas para el Desarrollo (PNUD) y del Ministerio de Cultura y Deportes (MICUDE) de Guatemala en la sede del acervo, sin haber realizado consultas con la comunidad de archivistas y defensores de los derechos humanos involucrados en la operación del AHPN desde su rescate hace más de diez años.

De acuerdo al comunicado publicado el 4 de octubre por la oficina local del PNUD en Guatemala, el cambio realizado en la dirección del acervo, forma parte de la última fase del proceso de institucionalización del AHPN, en la cual se pretende que el Estado guatemalteco asuma plenamente la administración y el sostenimiento del archivo histórico policiaco, a través del Archivo General de Centro América (AGCA), el cual representa la máxima autoridad archivística en el país centroamericano.

...2

El AHPN ha sido un proyecto archivístico sostenido por diversos organismos internacionales desde su creación en 2005, cuando de forma accidental los expedientes de la extinta Dirección de la Policía Nacional fueron descubiertos, en completo abandono, e identificados por la Procuraduría de los Derechos Humanos de Guatemala. A partir de esa fecha, especialistas y defensores de los derechos humanos provenientes de diversas partes del mundo se involucraron con los proyectos de rescate, organización y digitalización de los documentos del acervo. Igualmente, el sostenimiento presupuestal para la operación de la institución ha dependido de las donaciones financieras provenientes de países extranjeros como Suecia y Suiza, entre otros, administradas por el PNUD.

Bajo este esquema de cooperación internacional, el AHPN ha desempeñado su labor archivística desde su creación y hasta la actualidad. La calidad de los trabajos de rescate, estabilización y digitalización documental, desplegados por el equipo profesional a cargo de este proyecto ha sido inmejorable; su principal logro fue convertir al acervo en un referente nacional e internacional por su especialidad y por la naturaleza histórica, cultural y científica de los materiales que resguarda, los cuales han sido considerados patrimonio documental de la humanidad, esencial para la memoria histórica de los pueblos y el esclarecimiento de la verdad y la justicia.

En este contexto, académicos, archiveros y defensores de los derechos humanos han manifestado preocupación, debido a los riesgos que podría generar a los procesos de justicia transicional en el país centroamericano.

Uno de los aspectos más preocupantes de esta situación se refiere a la cuestión presupuestal de los archivos públicos en Guatemala. Hasta ahora, el Estado guatemalteco no ha logrado dotar a sus instituciones archivísticas con un presupuesto suficiente para atender sus necesidades logísticas y técnicas. Precisamente, debido a esta carencia, el AHPN se ha sostenido mediante el financiamiento externo, a través de la coordinación de diversos organismos internacionales, estabilidad que se podría ver amenazada si el gobierno centroamericano asume la administración del acervo, sin contar con un plan financiero para su sostenimiento.

W

...3

Por lo dicho anteriormente, sometemos a su atinada consideración la posibilidad de que la Comisión Interamericana de Derechos Humanos emita una recomendación al gobierno de la República de Guatemala en la que se destaquen los siguientes puntos:

- La importancia de preservar, proteger y difundir los archivos vinculados con la defensa de los derechos humanos, como lo es el AHPN;
- La responsabilidad del Estado guatemalteco para brindar al AHPN el financiamiento necesario para su sostenimiento, como parte del proceso de institucionalización del acervo;
- La necesidad de garantizar la inviolabilidad y la apertura de la información resguardada por el AHPN, para el fortalecimiento del respeto al derecho a la verdad y a la búsqueda de la justicia en el país centroamericano;
- La formación de una Comisión Consultiva, integrada por especialistas destacados de la archivística, de la investigación histórica y social y de la defensa de los derechos humanos, encargada de diseñar un proyecto de transición institucional adecuado, y
- Finalmente, la valoración de los graves perjuicios que se ocasionarían a la sociedad guatemalteca en la defensa de los derechos humanos, si persiste la aplicación de decisiones que debilitan a las instituciones encargadas de custodiar el patrimonio documental.

Reciba el agradecimiento de los directores de los archivos nacionales que integramos la ALA por la atención brindada y expresamos nuestra confianza en la Comisión para contribuir a una solución satisfactoria para el Estado y el pueblo de la República de Guatemala.

Ciudad de México, a 27 de noviembre de 2018



Mercedes de Vega
Directora General del Archivo General de la Nación
de México y Presidenta de la ALA.