

Written and compiled by Trudy Huskamp Peterson for HRWG

### **Commentary.**

Behind the soaring, sinuous façade of the Paul Klee Center in Bern, Switzerland, a group of archivists and activists from more than a dozen countries plus representatives from UNESCO and the International Council on Archives met on October 6 and 7 to discuss safe havens for archives at risk. Hosted by swisspeace, the Swiss Federal Department of Foreign Affairs, and the Swiss Federal Archives, the goal of the meeting was to convene sending and receiving institutions “to jointly discuss the needs, challenges, good practice and the way forward of safe havens for archives at risk.” After discussing what issues need to be addressed, how to address them and how to design an ongoing process to work on them, the group came to a series of conclusions and decided on a way forward.

A working group was formed to draft further documents to be discussed at a follow-up meeting in 2017. Among the possible drafting projects for the working group are a typology of archives at risk, a check-list for the process of negotiating an agreement on safe haven and a possible model agreement, a set of general criteria for determining the trustworthiness of a receiving institution, a roster of institutions willing to host archives at risk, and a consideration of procedures that could be in place for rapid response in crisis situations.

A full report of the meeting will be forthcoming from swisspeace.

**News of the Human Rights Working Group.** A summary of the discussion at the Working Group’s meeting at the ICA congress in Seoul, South Korea, in September 2016 is attached as Annex A.

### **International news.**

**International Criminal Court.** The Prosecutor of the International Criminal Court (ICC) issued a “Policy Paper on Case Selection and Prioritisation” that for the first time includes economic and environmental crimes. Paragraph 40 says the “manner of commission of the crimes may be assessed in light of” a number of specific elements, including “crimes committed by means of, or resulting in, the destruction of the environment or of protected objects.” The following paragraph, 41, states (in full): “The impact of the crimes may be assessed in light of, *inter alia*, the increased vulnerability of victims, the terror subsequently instilled, or the social, economic and environmental damage inflicted on the affected communities. In this context, the Office will give particular consideration to prosecuting Rome Statute crimes that are committed by means of, or that result in, *inter alia*, the destruction of the environment, the illegal exploitation of natural resources or the illegal dispossession of land.” Finally, paragraph 46 states that the Court “will also pay particular attention to attacks against cultural, religious, historical and other protected objects as well as against humanitarian and peacekeeping personnel.” The nongovernmental organization Global Witness called the inclusion of business and environmental crimes “a landmark shift in international criminal justice” that “could reshape how business is done in developing countries.” [https://www.icc-cpi.int/itemsDocuments/20160915\\_OTP-Policy\\_Case-Selection\\_Eng.pdf](https://www.icc-cpi.int/itemsDocuments/20160915_OTP-Policy_Case-Selection_Eng.pdf); [https://www.globalwitness.org/en-gb/press-releases/company-executives-could-now-be-tried-land-grabbing-and-environmental-destruction-historic-move-international-criminal-court-prosecutor/?utm\\_source=Newsletter+-+General&utm\\_campaign=26fb37810e-ICC\\_news\\_supporter\\_email\\_Sept169\\_12\\_2016&utm\\_medium=email&utm\\_term=0\\_dd67b6c0e4-26fb37810e-129741225](https://www.globalwitness.org/en-gb/press-releases/company-executives-could-now-be-tried-land-grabbing-and-environmental-destruction-historic-move-international-criminal-court-prosecutor/?utm_source=Newsletter+-+General&utm_campaign=26fb37810e-ICC_news_supporter_email_Sept169_12_2016&utm_medium=email&utm_term=0_dd67b6c0e4-26fb37810e-129741225)

The ICC judges referred Kenya to the ICC membership (the Assembly of State Parties) for not cooperating with the ICC during the now-terminated case against Kenyan president Uhuru Kenyatta, reported

*International Justice Monitor*. Kenya did not respond to the Prosecutor's request for eight categories of records, and the judges of the chamber that handled the case observed "that though the case against Kenyatta has been terminated, the records the prosecution had asked for are still relevant for any ongoing or future investigation concerning Kenya." [http://www.ijmonitor.org/2016/09/kenya-to-be-referred-to-asp-for-non-cooperation/?utm\\_source=International+Justice+Monitor&utm\\_campaign=d1a264eff4-kenya-monitor-rss&utm\\_medium=email&utm\\_term=0\\_f42ffeffb9-d1a264eff4-49700673](http://www.ijmonitor.org/2016/09/kenya-to-be-referred-to-asp-for-non-cooperation/?utm_source=International+Justice+Monitor&utm_campaign=d1a264eff4-kenya-monitor-rss&utm_medium=email&utm_term=0_f42ffeffb9-d1a264eff4-49700673)

Bosco Ntaganda is charged with war crimes and crimes against humanity allegedly committed in 2002-2003 in the Democratic Republic of Congo. At his trial a professor of forensic medicine testified on the "physical effects of trauma with respect to four prosecution witnesses," reported *International Justice Monitor*, "by examining scars of injuries suffered, listening to victims' explanations, and studying old documents related to the injuries." <http://www.ijmonitor.org/2016/09/forensic-expert-testifies-about-physical-injuries-on-upc-victims/>

United Nations. On the 50th anniversary of UN Secretary-General Dag Hammarskjöld's death in a plane crash in what is now Zambia, the leader of an inquiry into the death urged the United States and other countries "to disclose and declassify whatever records they hold that might help to resolve the mystery of the death of the organization's secretary general." [http://www.nytimes.com/2016/09/07/opinion/release-the-records-on-dag-hammarskjolds-death.html?\\_r=0](http://www.nytimes.com/2016/09/07/opinion/release-the-records-on-dag-hammarskjolds-death.html?_r=0)

### **World/general news.**

Business records. After three years of research, the nongovernmental organization Public Eye (formerly named the Berne Declaration) found that "Swiss commodity trading companies take advantage of weak fuel standards in Africa to produce, deliver and sell diesel and gasoline, which is damaging to people's health." The massive footnotes in the heavily documented report list sources ranging from court records in the Netherlands, Ivory Coast and the United Kingdom to statistics from institutes and governments to the websites of commodity trading companies and the website of the president of Ghana. [https://www.publiceye.ch/fileadmin/files/documents/Rohstoffe/DirtyDiesel/PublicEye2016\\_DirtyDiesel\\_A-Public-Eye-Investigation.pdf](https://www.publiceye.ch/fileadmin/files/documents/Rohstoffe/DirtyDiesel/PublicEye2016_DirtyDiesel_A-Public-Eye-Investigation.pdf)

Drummond Company Inc. is, according to its website, the "global leader in coal production." The heirs of 34 Colombians that allegedly were murdered by the paramilitary group Autodefensas Unidas de Colombia (AUC) sued Drummond, arguing that Drummond "aided and abetted the AUC by providing it with significant financial support, logistical assistance, supplies and a safe haven so that the AUC would defeat FARC guerrillas operating around Drummond's coal mine and railroad line in Cesar Province, Colombia." A lower court in the U.S. dismissed the claim, but the appeals court partially reversed, saying that "the trial court could not summarily dismiss these claims" and needed to hear the case; in addition, the court said that the current and former chief executives of the company could be sued as individuals under the Torture Victim Protection Act. Business archives will be crucial in this case. <http://www.iradvocates.org/case-update/drummond/11th-circuit-court-appeals-issues-favorable-opinion-our-case-against-drummond>

*Colombia Reports* predicted that after a peace agreement was signed between the FARC guerrillas and the government of Colombia, a transitional justice tribunal would hear cases against more than 50 companies alleged to have financed the AUC, including major multinationals such as Coca Cola. "Several courts will reportedly forward evidence of the involvement of the companies in financing the AUC, which killed many dozens of labor rights defenders during its existence between 1997 and 2006." Given the October 2 vote against the peace accord, this prospect is no longer certain. <http://colombiareports.com/coca-cola-facing-terrorism-support-charges-colombia/>

Environment. Using "satellite data with models of health impacts from smoke exposure and readings from pollution monitoring stations" researchers from Harvard and Columbia universities in the United States estimated that a "smog outbreak in Southeast Asia last year may have caused over 100,000 premature deaths" in Indonesia, Malaysia and Singapore. The estimate "is far higher than the previous official death toll given by authorities of just 19 deaths in Indonesia," *Agence France-Presse* reported. "The haze is an annual problem caused by fires set in forest and on carbon-rich peatland in Indonesia to quickly and cheaply clear land for palm oil and pulpwood plantations." <https://www.theguardian.com/world/2016/sep/19/haze-indonesia-forest-fires-killed-100000-people-harvard-study>

Forensic analysis. “Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods,” a report issued by the U.S. President’s Council of Advisors on Science and Technology, said that expert evidence based on a number of traditional forensic “feature-comparison” methods such as bite mark analysis, firearms identification, footwear analysis and hair comparisons lacks adequate scientific validation. The study was commissioned in the aftermath of a 2012 review by the U.S. Department of Justice and Federal Bureau of Investigation (FBI) “of testimony in more than 3,000 criminal cases involving microscopic hair analysis. Their initial results, released in 2015, showed that FBI examiners had provided scientifically invalid testimony in more than 95 percent of cases where that testimony was used to inculcate a defendant at trial.” DNA evidence, by contrast, is termed a “reliable methodology.” [https://www.whitehouse.gov/sites/default/files/microsites/ostp/PCAST/pcast\\_forensic\\_science\\_report\\_final.pdf](https://www.whitehouse.gov/sites/default/files/microsites/ostp/PCAST/pcast_forensic_science_report_final.pdf)

Hunger. A consortium of 340 organizations (Global Open Data for Agriculture and Nutrition) believe that by providing access to existing data “gathered from satellites, fields and villages” people will develop innovative uses of the data that will help end world hunger. “In some countries, data on groundwater levels or land fertility is considered a matter of national security to be kept secret,” a representative of Code for Africa told *Thomson Reuters Foundation*, but “the main barrier to opening agricultural data ‘is not a technology issue, by any stretch’ but more basic problems such as a lack of trained staff.” <http://news.trust.org/item/20160913103732-ilmj5/>

World War II. By using the U.S. Freedom of Information Act, the *Associated Press* obtained records from the U.S. military’s Counter Intelligence Corps, which investigated an incident in 1946 when a group of Jewish Holocaust survivors sought revenge against former Nazi SS men in a U.S. prisoner of war camp by attempting to poison them with 3000 loaves of bread coated with arsenic. The bread “sickened more than 2,2000 Germans but ultimately caused no known deaths.” In 1999 a television documentary revealed the operation, but German prosecutors decided not to file charges against the perpetrators who were still alive, citing the “extraordinary circumstances” behind the action. <http://www.foxnews.com/world/2016/08/31/jewish-avengers-unapologetic-for-targeting-nazis>

The *Washington Post* published a feature story on Ben Ferencz, who successfully prosecuted 22 members of the Einsatzgruppen (the “roving exterminations squads responsible for more than a million deaths during World War II”) at the Nuremberg trials. The case depended on captured German records, and Ferencz presented only one witness “who certified Nazi documents that recorded the slaughter.” [http://www.washingtonpost.com/lifestyle/style/the-last-surviving-nuremberg-prosecutor-has-one-ultimate-dream/2016/08/31/3b1607e6-6b95-11e6-ba32-5a4bf5aad4fa\\_story.html](http://www.washingtonpost.com/lifestyle/style/the-last-surviving-nuremberg-prosecutor-has-one-ultimate-dream/2016/08/31/3b1607e6-6b95-11e6-ba32-5a4bf5aad4fa_story.html)

## **Bilateral and multilateral news.**

Australia/United States. Ford Motor Company plans to ship the records of its Australia branch to Ford’s headquarters archives in Dearborn, Michigan. However, reported *Wheels Magazine*, “former Ford Australia executives have demanded the Federal Government step in to prevent the export,” citing Australia’s Protection of Movable Cultural Heritage Act. The magazine and the employees argue that the “material is of immense historic value and should remain in Australia,” while archivist and HRWG member Sigrid McCausland says the records also have an important human rights component: “There were major industrial disputes at the [Ford Australia] Campbellfield (also known as Broadmeadows) site in the 1970s and 1980s over wages and conditions. These disputes were significant for the involvement of migrant workers, many of whom did not speak English.” <https://www.wheelsmag.com.au/news/1609/ford-faithfuls-fight-to-keep-australian-archive>

Chile/United States. On the 40<sup>th</sup> anniversary of the assassination of Orlando Letelier, a leading opponent of the Augusto Pinochet regime then governing Chile, and his colleague Ronni Moffitt in a car bomb in Washington, D.C., the U.S. released records from the Central Intelligence Agency relating to the case. They show that “Pinochet ordered” the killing, reported the *Washington Post*. The National Security Archive, which had long pressed for the declassification of the records, wrote, “Pinochet will never stand trial for this atrocity and the thousands of others he committed. But this special declassification on the Letelier-Moffitt case dramatically demonstrates how important U.S. government documents can be—in the court of history where the ultimate public verdict can be rendered.”

<https://www.washingtonpost.com/news/checkpoint/wp/2016/09/23/cia-found-convincing-evidence-chilean-dictator-was-behind-1976-washington-d-c-attack/>; <http://nsarchive.gwu.edu/NSAEBB/NSAEBB560-CIA-report-concludes-Pinochet-behind-Letelier-Moffit-bombing-in-1976-and-calls-it-act-of-state-terrorism/>

Colombia/United States. The *New York Times* used “interviews, recently unsealed legal briefs, transcripts of hearings, internal government documents and information obtained from Colombia and the United States” to examine the cases of 40 Colombian paramilitary members who were extradited to the United States in 2008 to be tried on drug charges. It found that “most” of the extradited “were handsomely rewarded for pleading guilty and cooperating with US officials,” served less time in prison than street-level drug dealers in the U.S., and “though wanted by the Colombian authorities, two have won permission to stay in the United States, and their families have joined them. Three more are seeking the same haven and still others are expected to follow suit.” Human rights lawyers and activists are appalled at the leniency. <http://gulffnews.com/news/americas/us-extradition-benefits-warlords-from-colombia-1.1894967>

France/Libya/NATO/United Kingdom. The Foreign Affairs Committee of U.K.’s House of Commons issued a report on the NATO intervention in Libya in 2011. It summarized: “In March 2011, the United Kingdom and France, with the support of the United States, led the international community to support an intervention in Libya to protect civilians from attacks by forces loyal to Muammar Gaddafi. This policy was not informed by accurate intelligence. In particular, the Government failed to identify that the threat to civilians was overstated and that the rebels included a significant Islamist element. By the summer of 2011, the limited intervention to protect civilians had drifted into an opportunist policy of regime change. That policy was not underpinned by a strategy to support and shape post-Gaddafi Libya. The result was political and economic collapse, inter-militia and inter-tribal warfare, humanitarian and migrant crises, widespread human rights violations, the spread of Gaddafi regime weapons across the region and the growth of ISIL in North Africa.” Annexes provide transcripts of the interviews conducted by the inquiry as well as copies of documents it received from the Foreign and Commonwealth Office, nongovernmental organizations, and private citizens. <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmaff/119/119.pdf> ; <http://www.salon.com/2016/09/16/u-k-parliament-report-details-how-natos-2011-war-in-libya-was-based-on-lies/>

Islamic State/IS/ISIL/ISIS. Investigators with the nongovernmental Commission for International Justice and Accountability told the *Associated Press* that they have collected sufficient evidence “of the Islamic State group’s elaborate operation to kidnap thousands of women as sex slaves” to try IS leaders with crimes against humanity. The Commission “has pored over hard drives, leaked documents, phone records and interviews with captured Islamic state fighters—in addition to monitoring the Islamic State group’s own voluminous propaganda.” The Commission says it has “a case implicating the entire IS command structure in a plot to kidnap Yazidi women and girls and establish a sex-slave market. The plan was executed by an organized bureaucracy at every step along the way” and the IS Shariah courts were also involved. An investigator told the *AP* that the Commission wants to ensure that there is “legal documentation” of the identities of IS members “from the top down” so they will not “slide into refugee streams” and disappear. <http://www.newdelhitimes.com/war-crimes-tribunal-sought-against-islamic-state-detainees123/>

The Club de Madrid, with the support of the European Commission, launched a project “Preventing Violent Extremism.” It believes that the Islamic State “narrative” needs to be analyzed “from a scientific point of view to understand the political, social and military strategy of the group.” The Club reported that between January 2013 and mid-September 2016 IS “recorded, edited and released to the public opinion 1,308 videos of propaganda, an average of more than one propaganda video per day.” Interviews with young people explaining their decisions to join IS are the subject of 33% of the videos; 27% show “acts of war”; 24% are about IS “exercising government actions, solving local public problems, and engaging socially with the local population” in Iraq and Syria; and 15% project “images of explicit violence.” <http://us3.campaign-archive2.com/?u=bdd1a6a40ffad39c8719632f&id=a996979666&e=f1f6556540>

Israel/Palestine. The Hebrew University of Jerusalem’s Truman Institute requested a file labelled “Middle East” from the Vasili Mitrokhin papers held at the Churchill Archives at the U.K.’s Cambridge University, an Institute researcher told *Reuters*. The file is part of the “documents smuggled out of Russia by former KGB archivist Vasili Mitrokhin in 1991,” and in it was a document that seems to show that Mahmoud Abbas, the president of Palestinian Authority (PA), was an agent for the KGB in 1983. A PA official denied the implication, saying that instead of being a spy, Abbas was the official Palestinian liaison with



the Soviets. For the archival description of the Mitrokhin papers, see

<https://janus.lib.cam.ac.uk/db/node.xsp?id=EAD%2FGBR%2F0014%2FMITN>. <http://www.reuters.com/article/us-israel-palestinians-abbas-idUSKCN11E1U0>; [http://www.al-monitor.com/pulse/originals/2016/09/israel-accuse-abbas-kgb-agent-smear-campaign.html?utm\\_source=Boomtrain&utm\\_medium=manual&utm\\_campaign=20160916&bt\\_email=archivesthp@aol.com&bt\\_ts=1474042872869](http://www.al-monitor.com/pulse/originals/2016/09/israel-accuse-abbas-kgb-agent-smear-campaign.html?utm_source=Boomtrain&utm_medium=manual&utm_campaign=20160916&bt_email=archivesthp@aol.com&bt_ts=1474042872869)

After the Supreme Court of Israel ordered the evacuation of the West Bank settlement of Amona, the Israeli military's Civil Administration in the West Bank "issued a map marking 35 lots adjacent to Amona and announced that it was attempting to determine whether they could be declared abandoned and Amona could be moved there," reported *Al-Monitor*. Yesh Din, a nongovernmental organization, then gave the Civil Administration 29 petitions from the legal landowners opposing the designation, including "aerial photos of the region that show that most of the land was cultivated until 1997" when residents "were chased away by the settlers or the army." One landowner said, "We have ownership registration going back to the days of the Ottomans, in the name of my father and mother." [http://www.al-monitor.com/pulse/originals/2016/09/israel-palestinian-struggle-against-new-amona-settlement.html?utm\\_source=Boomtrain&utm\\_medium=manual&utm\\_campaign=20160926&bt\\_email=archivesthp@aol.com&bt\\_ts=1474906442594](http://www.al-monitor.com/pulse/originals/2016/09/israel-palestinian-struggle-against-new-amona-settlement.html?utm_source=Boomtrain&utm_medium=manual&utm_campaign=20160926&bt_email=archivesthp@aol.com&bt_ts=1474906442594)

The Akevot Institute for Israeli-Palestinian Conflict Research announced that it has digitized "in government and private archives, primary records that expose the considerations that drove policy-making, decision-making processes and on-the-ground practices which have been intertwined in the Israeli-Palestinian conflict to this day." The first set of digitized records was released in September, and Akevot promised to release more records during the next 12 months. <http://akevot.org.il/en/article/the1styear/?full>

Korea, North and South. South Korea's legislature passed the North Korea Human Rights Act of 2016 last March, and it went into effect September 4. Article 13 established a Center for Investigation and Documentation on Human Rights in North Korea in the Ministry of Unification, which is "to collect, research, preserve, publish, or otherwise deal with various kind of materials and information" on human rights in North Korea. The information is to be transferred to the Ministry of Justice every three months, which in turn is to "establish an organ assigned to preserve and manage the materials related to records on North Korean human rights."

[http://www.upi.com/Top\\_News/World-News/2016/09/01/Pyongyang-condemns-Seouls-North-Korea-human-rights-act/1691472747367/](http://www.upi.com/Top_News/World-News/2016/09/01/Pyongyang-condemns-Seouls-North-Korea-human-rights-act/1691472747367/);  
<https://www.law.go.kr/eng/engLsSc.do?menuId=2&query=NORTH%20KOREAN%20HUMAN%20RIGHTS%20ACT#liBgcolor0>

Malaysia/Netherlands/Russia/Ukraine. The Joint Investigation Team is a Dutch-led group of international prosecutors gathering evidence on the downing over Ukraine of Malaysian airliner MH17 that killed all 298 people on board. It issued a report saying it is "convinced of having obtained irrefutable evidence to establish that on 17 July 2014, flight MH-17 was shot down by a BUK missile from the 9M38-series." To draw that conclusion it used "forensic examinations, witness statements, telecom information, satellite images, radar data," as well as "photographs and videos that had been posted on social media, and a video never shown before which was obtained from a witness." <http://us3.campaign-archive2.com/?u=bdd1a6a40ffad39c8719632f&id=a996979666&e=f1f6556540>; <https://www.om.nl/onderwerpen/mh17-crash/@96068/jit-flight-mh17-shot/>

West Africa. The *New York Times* reported that in West Africa "citizens who feel marginalized are using [cellphone] videos to seek justice when law enforcement officers abuse their authority." A West Africa researcher for Amnesty International said, "These [videos] have led to, if not prosecutions, at least more awareness and discussion of violations, and that is really important."

[http://www.nytimes.com/2016/09/17/world/africa/police-abuse-videos-west-africa.html?\\_r=0](http://www.nytimes.com/2016/09/17/world/africa/police-abuse-videos-west-africa.html?_r=0)

## **National news.**

Australia. The Royal Commission into Institutional Response to Child Sexual Abuse released a consultation paper, "Records and recordkeeping practices," which "proposes high-level principles to guide institutions in practicing good recordkeeping and creating accurate records about child sexual abuse." A few days later the former Catholic Bishop of Parramatta told the Commission "he destroyed documents relating to potential legal action against a paedophile priest," reported the *Sydney Morning News*.

<http://www.childabuseroyalcommission.gov.au/getattachment/f7289d7c-52e7-4143-a6ed-1aa149263eaf/Consultation-Paper>;  
<http://www.childabuseroyalcommission.gov.au/policy-and-research/our-policy-work/making-institutions-child-safe/records.aspx>

<http://www.smh.com.au/nsw/bishop-bede-heather-destroyed-documents-royal-commission-20160914-grnxc.html>

**Bangladesh.** Human Rights Watch (HRW) issued a report on alleged “kneecapping” and maiming of detainees by Bangladesh security forces. It urged the government to invite the Office of the United Nations High Commissioner for Human Rights and affiliated special rapporteurs to investigate the charges. HRW based the report on “over 50 interviews” it conducted with the help of a Bangladesh human rights group and “documented cases” assembled by private organizations and individuals.

<https://www.hrw.org/news/2016/09/29/bangladesh-stop-kneecapping-detainees>

**Burundi.** The United Nations Independent Investigation on Burundi (UNIIB) reported that it has “verified 564 executions since April 2015 when President Pierre Nkurunziza sparked protests by saying he would seek a third term,” *Reuters* reported. UNIIB said it was giving the UN High Commissioner for Human Rights a list of suspects in the killings. UNIIB also said “a former senior army officer told investigators of the existence of lists of people to be eliminated” and that satellite imagery “suggested the existence of mass graves.” The Burundi government “denied the existence of such death-lists” and all the UNIIB findings.

<http://news.trust.org/item/20160920155407-gpfr9/>

**Canada.** Between the 1960s and 1980s Canadian governments took children from the families of aboriginal peoples and placed them in foster homes or put them up for adoption, a practice that has been called the “Sixties Scoop.” *CBC News* reported that survivors of the Scoop who are now searching for their birth records often are told they cannot be found. Some are told their birth records were destroyed in a fire; some are told the records were never created. A Scoop survivor said, “There are so many Indigenous adoptees out there that have no idea what their rights are . . . that they are connected to the land and to status and to treaties.” <http://www.cbc.ca/news/canada/manitoba/sixties-scoop-survivors-money-1.3782587>

**Chile.** The National Commission on Political Imprisonment and Torture (called the Valech Commission because it was headed by Bishop Sergio Valech) issued its report in 2004, and the government ordered the Commission’s archives to be closed for 50 years. On 31 August, the Chilean Chamber of Deputies rejected a bill that would have provided access to the Commission records for judicial investigations.

<http://radio.uchile.cl/2016/08/31/califican-de-vergonzoso-rechazo-de-la-camara-a-levantar-secreto-de-informe-valech/> Following the rejection, a coalition of human rights groups created a petition asking that an archival policy be formulated “establishing mechanisms to allow access to archives linked to violations of human rights and, if necessary, protect sensitive information that could affect the victims, under public and transparent criteria.” For information on the petition, see

<https://docs.google.com/document/d/13YUbnKhXmmZI2slffc7ui10oAYTKdpTVBn61unT3ja4/edit?usp=sharing>. To sign the petition: [declaracionvalech@gmail.com](mailto:declaracionvalech@gmail.com) Thanks to HRWG member Valentina Rojas for the information.

**Egypt.** Human Rights Watch “interviewed 20 relatives of inmates held in Scorpion [prison], two lawyers, and one former prisoner, and reviewed medical files and photos of sick and deceased prisoners,” which led HRW to conclude that the authorities inflict cruel and inhuman treatment “that probably amounts to torture in some cases and violates basic international norms for the treatment of prisoners.”

<https://www.hrw.org/report/2016/09/27/we-are-tombs/abuses-egypts-scorpion-prison>

**Ethiopia.** In 2012 the Ethiopian Soil Information System launched a nationwide effort to create a “comprehensive digital map charting soil fertility,” reported *Thomson Reuters Foundation*. The project “combines satellite imagery with data from ground and historical information, to analyse soils and rainfall in different areas and recommend suitable fertilisers and crops.” A “deeper understanding of soils may help head off hunger in places affected by climate extremes,” said the project leader. Preserving the digital data will be a key responsibility of the government archives. <http://news.trust.org/item/20160929100250-s28pr/>

**Gabon.** After President Ali Bongo was re-elected to a second term on August 27, the opposition rejected the results and fighting broke out. The government said 7 protesters were killed, the opposition said 50 to 100 died and security forces arrested 1,100, reported *CrisisGroup.org*. At the request of the government, *Reuters* reported, the prosecutor of the International Criminal Court said she would open a preliminary review of the situation. Voting records could be important background information.

[https://www.crisisgroup.org/crisiswatch?utm\\_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm\\_campaign=f773b271fc-](https://www.crisisgroup.org/crisiswatch?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=f773b271fc-)

**Guinea.** The Business and Human Rights Resource Centre reported that two Guinean nongovernmental organizations are demanding the suspension of the involuntary resettlement of approximately 377 households in the area controlled by AngloGold Ashanti mining company. The NGOs say villagers “were intimidated into signing consent forms; many say they did not understand the contents of agreements they signed.” The company replied that “considerable effort . . . went into explaining the process during the asset inventory process and also when the resettlement contracts were presented to the affected individuals.” <https://business-humanrights.org/en/guinea-ngos-say-hundreds-of-households-to-be-displaced-by-anglogold-ashanti-were-intimidated-threatened-company-responds>

**Honduras.** The violence associated with the Agua Zarca hydroelectric project, including the assassination of Berta Caceres who was a principal opponent of the process, led the Netherlands’ Entrepreneurial Development Bank (FMO), one of the funders of the project, to suspend the disbursement of funds. FMO then sent an international evaluation mission “to evaluate the social, environmental and human rights impacts on local communities” of the project. The mission conducted interviews and held community meetings and reviewed “background Project documents (legal and technical), previous social and environmental assessments by consultants working for the lenders, documents supplied by [the government], documents provided by COPINH [a nongovernmental organization] and information in the public domain.” It concluded that the “decision by FMO to withdraw from the Project created potential negative impacts if no other funding is found and the Project is abandoned,” and recommended that the FMO should “engage with the communities to explain its decision and consult with them to see how some of the expected local projects can be honored.” <https://business-humanrights.org/sites/default/files/documents/Aqua%20Zarca%20Report%20EN%20%282%29.PDF>

**India.** “Three girls in eastern India are being treated in hospital after acid was thrown on them, said police . . . just days after a court handed down a landmark death sentence verdict to a man found guilty of murdering a nurse in an acid attack,” reported *Thomson Reuters Foundation*. In a reminder of the need to treat police statistics with caution: “According to India’s home ministry, there were 222 cases [of acid attacks] reported in 2015 compared to 309 the previous year. Activists say the number is under-reported as many do not report cases for fear the perpetrators will seek revenge.” <http://news.trust.org/item/20160912164149-qhx5w/>

The International Centre for Integrated Mountain Development “helped generate innovative flood mapping for 33 districts in Bihar state and an online flood information system,” reported *Thomson Reuters Foundation*. Using satellite imagery that penetrates cloud cover, the information can generate a “flood map” within five to six hours after the raw data is received. “Satellite maps can also aid prevention because they act as a template for years to come, recording rainfall patterns and data from the water department, among other factors,” pointing to the need of good archival preservation of the mapping data. <http://news.trust.org/item/20160929104553-i2naf/>

**Kenya.** The Access to Information Bill 2015 was signed into law. <http://www.sabc.co.za/news/a/b2e425004e1c7db38b80afac4dc09bae/No-more-secrets-as-Kenyatta-signs-Access-to-Information-Bill-20160904>

**Macedonia.** “A special prosecutor in Macedonia announced . . . the first set of indictments stemming from a probe into a massive trove of wiretaps released last year allegedly showing wrong doing by top officials including former Prime Minister Nikola Gruevski,” reported the Organized Crime and Corruption Reporting Project, a nongovernmental organization. The prosecutor also issued an indictment “against 7 members of the secret police who they say illegally destroyed documentation relating to Gruevski’s alleged wiretapping.” For background on this long story, see *HRWG News* 2016-04. <https://www.occrp.org/en/daily/5650-macedonia-prosecutors-release-indictments-from-mass-wiretaps>

**Mexico.** The Washington Office on Latin America (WOLA) issued another report on the abuses faced by migrants trying to transit through Mexico. Using data from the government’s Commission for Refugee Assistance (COMAR), it reported that Mexican authorities “detained 425,058 migrants between 2014 and July 2016” but COMAR “only resolved 6,933 asylum applications” and granted asylum in just 2,982 cases. It concluded: “Mexico has prioritized migration enforcement to address migration flows, over the proper

screening of cases eligible for protection.” It also noted a “persistent pattern of abuse by police forces.” In the northern Mexican state of Coahuila WOLA compared “the number of crimes documented by the migrant shelter in Saltillo and the cases that authorities in Coahuila are actually investigating” and concluded that “it is clear that an important number of crimes against migrants in Coahuila are never investigated or punished.” <https://www.wola.org/analysis/a-trail-of-impunity/>

Moldova. RISE Moldova, a nongovernmental organization, looked at the published electoral rolls in Moldova and found that while “about 2.8 million Moldovans are listed on the electoral roll for the country’s October 30 presidential election,” a check of “more than 300 gravesites found nearly 100 of them contained people on the approved list of voters,” reported the Organized Crime and Reporting Project. The government then issued an updated list of voters. An election official said that a problem with accurate election rolls is that relatives of the deceased have to “legalize” the death certificate at the State Register of Population in order to remove the name from the electoral roll. <https://www.occrp.org/en/blog/5644-dead-souls-moldova-s-undead-voters>

Myanmar. *Myanmar Now*, “an independent website” supported by the *Thomson Reuters Foundation*, investigated the conditions in Myanmar’s prison labour camps and found “dire working conditions and rampant corruption among guards.” In addition to interviewing “dozens” of ex-convicts and former prison officials, *Myanmar Now* “obtained hundreds of internal Correctional Department documents that stretch back decades and shed light on junta-era policies for managing prison labour camps.” <http://us3.campaign-archive2.com/?u=bdd1a6a40ffad39c8719632f&id=50147d8425&e=f1f6556540>

*Agence France Presse* reported that Myanmar’s parliament voted to remove the requirement “that forced people to report overnight guests and was used by authorities to barge into houses late at night, often targeting activists.” The new law “requires guests staying in a village or ward to register with authorities after one month.” Reappraisal of these police records would be in order. <http://frontiermyanmar.net/en/news/myanmar-scrap-loathed-midnight-inspection-law>

Peru. The Council on Hemispheric Affairs, a nongovernmental organization, praised the conviction of 10 former members of the Peruvian Armed Forces for the 1985 massacre of 69 men, women, and children in Accomarca. The trial took 6 years and included over 250 court sessions; the trial record is surely enormous and will need careful archival preservation. <http://www.coha.org/justice-for-accomarca/>

Philippines. Since Rodrigo Duterte took office as president of the Philippines on June 30, his campaign against drugs and crime has resulted in more than 3,000 deaths, about half killed by police and hundreds by viligantes, the police told the *New York Times*. When he was the mayor of Davao City, Duterte “presided over about 1,000 killings of criminal suspects and political opponents over more than two decades.” At a hearing before the Philippine Senate’s committee on justice and human rights, a “professed hit man” (who implicated Duterte when mayor in ordering extrajudicial killings) said “he was a ghost employee of Davao City who was paid for his death squad activities but did not show up in city personnel records.” [http://www.nytimes.com/2016/09/23/world/asia/philippines-duterte-edgar-matobato-hitman.html?\\_r=0](http://www.nytimes.com/2016/09/23/world/asia/philippines-duterte-edgar-matobato-hitman.html?_r=0)

Sudan. “Using satellite imagery, more than 200 in-depth interviews with survivors and expert analysis of dozens of appalling images” Amnesty International (AI) concluded that “at least 30 likely chemical attacks have taken place in the Jebel Marra area of Darfur since January 2016.” AI estimates that between 200 and 250 people, including many children, died from the chemical weapons. Also using satellite imagery, AI confirmed that 171 villages have been destroyed or damaged in the last eight months. “The evidence documenting all these attacks has been organized and presented via an interactive digital platform designed by SITU Research in collaboration with Amnesty International.” <https://www.amnesty.org/en/latest/news/2016/09/sudan-credible-evidence-chemical-weapons-darfur-revealed/>

Tanzania. “Tanzania’s government is set to deploy drones to speed up land mapping in rural areas in a bid to halt frequent and sometimes deadly clashes between farmers and cattle herders over land and scarce water resources,” reported *Thomson Reuters Foundation*. “Aided by drones, more than 300,000 title deeds are expected to be issued” in the region of eastern Morogoro. This massive land titling program will require good archival support. <http://news.trust.org/item/20160908152442-1r826/>



United Kingdom. The government announced that it has abandoned its plan to privatize the land registry after more than 300,000 people signed a petition against the proposal. For background, see *HRWG News* 2016-04. <http://www.dailystar.com.lb/News/World/2016/Sep-08/371169-uk-abandons-plans-to-privatize-land-registry-government-source.ashx>

The Crown Prosecution Service reported that prosecutions for “domestic abuse, rape and sexual offences against women in England and Wales hit a record high in 2015/2016” with 117,000 cases going to trial, an 11% increase over the year before. And since “revenge porn” (the disclosure of private sexual images without consent) was made a criminal offense in April 2015, 206 prosecutions for this crime have been initiated. <http://us3.campaign-archive2.com/?u=bdd1a6a40ffad39c8719632f&id=50147d8425&e=f1f6556540>

United Kingdom/Northern Ireland. Ten Protestant workmen were killed on January 5, 1976, when their minibus was ambushed in south Armagh, an event known as the “Kingsmill massacre.” No one has ever been convicted, but the case was reopened in 2013. “During a hearing at Belfast Coroner’s Court it was revealed about 1,100 pages of classified material relate to the controversial case,” reported the *Belfast Telegraph*. The families of those killed have appealed for those records to be released to the court, while the government has made “formal requests for some police and army documentation to be blanked out.” <http://www.belfasttelegraph.co.uk/news/northern-ireland/call-for-top-secret-material-to-be-released-to-kingsmill-massacre-inquest-35041894.html>

United States. Internal sugar industry documents “recently discovered by a researcher at the University of California, San Francisco, and published . . . in *JAMA Internal Medicine* suggest that five decades of research into the role of nutrition and heart disease, including many of today’s dietary recommendations, may have been largely shaped by the sugar industry,” reported the *New York Times*. A professor of public health said in an editorial that the documents provided “compelling evidence” that the sugar industry had initiated the research “expressly to exonerate sugar as a major risk factor for coronary heart disease.” <http://www.nytimes.com/2016/09/13/well/eat/how-the-sugar-industry-shifted-blame-to-fat.html>

The Federal Bureau of Investigation released its annual report of federal crime data. It found a “3.9 percent increase in the estimated number of violent crimes and a 2.6 percent decrease in the estimated number of property crimes last year when compared to 2014 data.” <https://www.fbi.gov/news/stories/latest-crime-statistics-released>

A federal judge in the District of Columbia released a list of “all sealed requests made in Washington in 2012 for Americans’ telephone and Internet activity,” reported the *Washington Post*. “Legal experts say even the selective release appears to mark the first time a U.S. district court has made a systematic online disclosure of how often law enforcement seeks court orders under a 1986 statute to obtain individuals’ electronic records from communication service providers.” <http://www.matthewaid.com/post/150737451506/judge-releases-list-of-all-sealed-federal-requests>

“An investigation within the U.S. Environmental Protection Agency found files from open and closed lead cases were thrown into a recycling bin, according to a report acquired by Public Employees for Environmental Responsibility,” reported the *Federal Times*. “The lack of proper evidence management could damage both pursuing pending air quality enforcement action and penalties for repeat violators of the agency’s program to ensure lead-safe residential repairs and renovation.” <http://www.federaltimes.com/articles/epa-oig-finds-improperly-managed-records-at-regional-office>

United States/Maryland. Maryland Legal Aid, a nongovernmental organization, released its review of Rent Court practices throughout the state. Sampling rent court cases in every jurisdiction in Maryland, the project found that one of the two most common problems in rent cases was “unclear, insufficient or incomplete records”: in 12.9% of the 614,735 cases there was “inadequate information” in the case file; in 7.8% it was impossible to identify with certainty the type of judgment in the case; and in one judicial district “there were no audio recordings associated with a majority of the Failure to Pay Rent cases.” The project recommended that “Rent Court record-keeping systems must ensure preservation of complete case records” and “Rent Court data collection systems must be comprehensive, easy-to-navigate and accessible.” [http://www.mdmlab.org/wp-content/uploads/MDLegalAid\\_RentCourtStudy\\_Release-Date-9-8-16.pdf](http://www.mdmlab.org/wp-content/uploads/MDLegalAid_RentCourtStudy_Release-Date-9-8-16.pdf)

## **Announcement, publications.**

The Endangered Archives Programme at the British Library is now accepting applications for the next round of grants. The deadline for receipt of preliminary applications is 4 November 2016. See <https://endangeredarchives.wufoo.com/forms/z1nxqhoy0ksrf2j/> for a downloadable application and online application form.

The International Center for Transitional Justice is holding a workshop on “historical dialogue and mass atrocity prevention” on October 22 in New York City. “Memories of victimization and conflict are a primary cause of retaliation and vengeance. This conference will explore how history can also engage with conflict resolution processes and the work of mass atrocity prevention. Participants will explore topics including textbooks, museums, historical commissions, archives, collective memory and performative history.” No registration is required.

[https://www.ictj.org/event/international-workshop-historical-dialogue-and-mass-atrocity-prevention?utm\\_source=International+Center+for+Transitional+Justice+Newsletter&utm\\_campaign=c9ed6cdb17-ICTJ+In+Focus+Issue+61+October&utm\\_medium=email&utm\\_term=0\\_2d90950d4d-c9ed6cdb17-237813513](https://www.ictj.org/event/international-workshop-historical-dialogue-and-mass-atrocity-prevention?utm_source=International+Center+for+Transitional+Justice+Newsletter&utm_campaign=c9ed6cdb17-ICTJ+In+Focus+Issue+61+October&utm_medium=email&utm_term=0_2d90950d4d-c9ed6cdb17-237813513)

The Swiss Peace Council published an article about dealing with the past in archives and networks: *Sichere Häfen für gefährdete Archive: Basis für Vengangenheitsbewältigung* (Safe Haven for Archives at Risk: Basis for Dealing with the Past). <http://www.friedensrat.ch/friedensrat/wp-content/uploads/2012/11/Friedenszeitung-18-16.Archive.pdf>

An article on *opendemocracy.net* warned, “Human rights data used the wrong way can be misleading.” <https://www.opendemocracy.net/openglobalrights/meg-satterthwaite/human-rights-data-used-wrong-way-can-be-misleading>

*BIRN* published a War Crimes Verdict Map, “an interactive tool intended to provide an overview of court rulings on the crimes that were committed during the wars in the former Yugoslavia in the 1990s. Comprising a total of 348 verdicts collected to date by *BIRN*, it represents a unique database of final judgements issued by national courts in Bosnia and Herzegovina, Croatia, Montenegro, Kosovo and Serbia” and “verdicts handed down by the International Criminal Tribunal for the Former Yugoslavia in The Hague, and cases in which the defendants died during their trials at the ICTY.”

<http://www.balkaninsight.com/en/page/war-crimes-verdict-map>

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**Previous issues of the Newsletter are online at** <http://www.ica.org/12315/hrwg-newsletter/list-of-hrwg-newsletters.html> and <http://128.121.10.98/coe/main.jsp?smd=2&nid=569829>

## ANNEX A

### Report of the Human Rights Working Group meeting, September 6, 2016

1. Basic Principles on the Role of Archivists and Records Managers in Support of Human Rights. The HRWG noted with pleasure that the ICA Programme Commission, at its September 5 meeting, endorsed the *Basic Principles* as a working document for circulation, publicity and discussion. The HRWG encourages national archival associations and ICA regional branches to adopt it.
2. Business archives, transparency and human rights. After consulting the Section of Business Archives (SBA), the HRWG is writing a commentary on the *UN Guiding Principles on Business and Human Rights* to demonstrate that good corporate archives are essential if corporations are going to meet the standards of the *Principles*. The draft will be shared with SBA and the Section of Professional Associations, incorporate their suggestions, and be sent to the ICA leadership for review and transmittal to the annual United Nations Forum on Business and Human Rights.

At the suggestion of the HRWG, Kelebogile Kgabi is drafting a proposal for a pilot project to survey the condition of selected business archives in Botswana. The proposal will be reviewed by the HRWG and SBA and then submitted to the Programme Commission for funding.

3. Model agreement on copying archives and exporting copies. The HRWG developed a long version of an agreement for use when the parties believe there will be a continuing relationship and a short version to be used for a single or simple agreement. The draft agreements will be forwarded to the newly-created ICA expert group on legal matters for its review.
4. Archives at risk. In October Swisspeace is holding an International Expert Working Meeting: Safe havens for archives at risk. Several HRWG members will attend, as will UNESCO representatives.
5. HRWG News. Eleonora Baddour prepared an index for the issues from 2009 through 2014, which will be edited and posted to the ICA website. The UNESCO website does not now allow subscription to the *HRWG News*; the HRWG will ask the ICA webmaster whether it will be possible to allow persons to subscribe via the ICA website.
6. Data sharing for research confidentiality. At the Iceland ICA meeting in 2015 several colleagues discussed the issues surrounding access to the large scientific data sets held by universities and research institutes. The HRWG will work with the Section of University Archivists to determine whether ICA should develop a position statement on this.
7. Confidentiality of private information held in public records. In 2015, the Society of American Archivists adopted an "issue brief" on *Confidentiality of Private Information Held in Public Records*. The HRWG discussed whether it would be useful to have an international version of this; HRWG members from Europe noted that the EU recently adopted a Regulation that sets strict rules about personal data protection and archivists must abide by it. Nonetheless, it was agreed that such an issue brief might be useful for other parts of the world and the HRWG will develop a draft.
8. Archival training and human rights. Antonio Gonzalez Quintana reported on the successful course on archives and human rights held in Barcelona, Spain; he is discussing with the chair of the Section of Archival Educators a possible model curriculum for such a course.
9. HRWG section of ICA website. Kate Blalack volunteered to be the HRWG webmaster.
10. HRWG membership. Membership in the HRWG is predicated on work for the group: anyone willing to contribute in one way or another will be welcomed. Conversely, one who does not contribute to the work of the group cannot be considered a member.