

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

Treaties, accords, pacts and compacts, covenants, agreements: the world is awash in formal unanimity. If it seems that treaties, pacts and the like are becoming more frequent, that's probably because we have more States to accommodate: 51 when the UN was established in 1945, 193 UN members today. (Of course, going back even further, at the end of the 19th century about 70% of the world's population lived in empires--British, French, Austro-Hungarian, Russian and so forth--so there were many fewer entities to contract with each other and their provisions would cover wide swaths of the earth, in contrast to many agreements today.)

The month of August 2020 saw the United Arab Emirates, Bahrain and Israel sign "normalization" agreements for greater future cooperation; the media variously called the three documents a pact, peace treaty, accord, declaration, and normalization treaty. <https://www.axios.com/trump-israel-united-arab-emirates-bahrain-016fa0c6-24e8-41fa-bdc1-00eb0546d636.html>; for the texts: <https://search.aol.com/click/?vlt=A0geKIzb6XxfGUUAv0RpCWVH;vlu=Y29sbwNiZjEEcG9zAzIEdnRpZAMEc2VjA3Ny/RV=2/RE=1602050651/RO=10/RU=https%3a%2f%2fwww.cnn.com%2f2020%2f09%2f15%2fpolitics%2fisrael-uae-abraham-accords-documents%2findex.html/RK=0/RS=lgarp.lITMSsl.q5i6SJ00g9nw-> The month of September saw Kosovo and Serbia sign separate statements agreeing to "economic normalization" between them. *Exit News* wrote, "It is unclear whether leaders provided each other with a copy of their respectively signed document. It is also unclear what kind of powers these documents would hold, beyond an informal understanding between parties." For the texts see <https://exit.al/en/2020/09/04/kosovo-and-serbia-signed-separate-pledges-not-an-agreement/>

The Vienna Convention on the Law of Treaties, which went into force in 1980, defined "treaty" as "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation." That would seem to cover both the Bahrain-Israel-UAE and the Kosovo-Serbia "agreements." https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

August and September also saw existing treaties at the center of a number of debates over their terms:

*Mexico needed to use troops to defend the release of water from two dams, water which under a 1944 treaty must be provided to the United States. <https://www.latimes.com/world-nation/story/2020-09-11/mexican-water-wars-dam-seized-troops-summoned-at-least-one-killed-in-dispute-about-water-sharing-with-u-s>

*China and Japan disputed ownership of the Senaku/DiaoYu Islands, which a scholar at the Japan Institute of International Affairs, writing in *Japan Forward*, said "were legitimately transferred to Japan through the Okinawa Reversion Treaty of 1971." She pointed to "the fundamental importance of archival records and data to study territorial histories" because "they play a pivotal role in confirming identities, long after memory has faded." <https://japan-forward.com/archives-shows-chinas-claims-on-senkaku-islands-are-rooted-in-distortions-of-history/>

*Negotiations between Egypt, Ethiopia and Sudan on the operation of the Grand Ethiopian Renaissance Dam on the Nile River are stalled and tensions are high over the water rights Egypt claims was granted to it by the 1929 Anglo-Egyptian Treaty and the 1959 Agreement between Egypt and Sudan. <https://www.brookings.edu/blog/africa-in-focus/2020/08/05/the-controversy-over-the-grand-ethiopian-renaissance-dam/>

*In 2015 China, France, Germany, Russia, the United Kingdom and the United States made an agreement with Iran to limit Iran's movement towards developing nuclear arms, known as the Joint Comprehensive Plan of Action (JCPOA). Although the United States withdrew from the JCPOA in 2018, in August it announced that it is reimposing sanctions under a JCPOA provision known as "snapback," arguing that Iran has not kept the commitments it made under the agreement. <https://www.cfr.org/article/flawed-us-effort-revive-iran-sanctions>

After treaties are signed, what happens to the record copies, the ones needed when controversies arise? Article 102(1) of the United Nations Charter says, "Every treaty and every international agreement entered

into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.” Article 80 of the 1980 Vienna Convention on the Law of Treaties reiterates the provision for UN registration and provides the option that the contracting parties may designate a depository to hold the official copy. The two options also are found in the 1986 Vienna Convention on the Law of Treaties Between States and International Organizations or Between International Organizations (for example, agreements between the World Bank and a State). https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

The requirement to “register” a treaty with the United Nations usually has meant depositing a copy. Shelf after shelf of treaties are stored in the United Nations Archives, rarely used but secure.

A plain reading of Article 102(1) suggests the provision also applies when a member State “agrees” with a non-State body. For example, in late August a “peace agreement” was signed (formally adopted 3 October) between the transitional government of Sudan and “the Sudan Revolutionary Front (SRF), an umbrella organization of rebel groups from various Sudanese conflict zones, but was not fully signed as two key groups had not added their signatures,” *Middle East Eye* reported. Since the government of Sudan is a signatory, if no depository is mentioned (the agreement does not appear to be on line at the time of writing), the agreement should be deposited in the UN Archives. <https://www.middleeasteye.net/news/sudanese-leaders-and-rebel-groups-agree-peace-deal> For another example, what about the 2016 peace accord between the government of Colombia and the FARC? The two parties have copies of the agreement; the government presumably keeps its copy in the national archives or foreign ministry archives, but where does the FARC keep its copy? Should a copy be at the United Nations? Or, for a third example, in 2012 Myanmar signed a treaty with the Chin National Front. Assuming again that the government has a secure copy, is there a copy with the United Nations? Where is the Chin copy?

The reason a State would deposit a copy of a treaty with the UN is found in Article 102(2): “No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.” Without the “registration” the State would be barred from appealing for recourse for violation of the contract provisions to the International Court of Justice, the World Trade Organization, and similar bodies. (The International Criminal Court is an “independent judicial body” not part of the UN, so this would not apply to initiating proceedings before the Court.)

In the late 20th and early 21st centuries, States have signed numerous treaties with non-State actors. These agreements are often made in the aftermath of civil war or other social conflict, aiming to create a framework for managing future relations and a path for orderly problem-solving. In these cases, if the State chooses not to file its copy of the agreement with the UN (for example, if it does not want an external party adjudicating the execution of its provisions) or if the non-State party does not trust the State to register the treaty, the non-State party would rely on its copy to determine whether the State is faithfully executing the provisions. Today there is no officially recognized third party to hold that non-State copy. Such State/non-State agreements are not the type of documents that generally fall under an “archives at risk” category, and yet they need a safe haven. It may be too much to expect the United Nations Archives to hold compacts submitted by non-State entities, but a security archives does need to exist in a trusted location, safe from tampering. Can a security guarantor be found?

International news.

International Court of Justice. The Netherlands’ foreign minister announced that he “had notified Syria that it held it responsible under international law for acts of torture,” adding that the International Impartial and Independent Mechanism for Syria has collected “testimonies and tapes of people tortured. We have the evidence,” *Justice Info* reported. “Such a diplomatic note is the first step towards filing a formal complaint against Syria at the International Court of Justice.” <https://www.justiceinfo.net/fr/divers/45454-pourquoi-pays-bas-menacent-poursuivre-syrie-justice.html>

Kosovo Specialist Chambers (KSC). During September the Kosovo Liberation Army War Veterans’ Organization announced that it had received three “anonymously delivered” batches of records from the

KSC Specialist Prosecutor's Office; the thousands of documents included "a list of protected witnesses," *BIRN* reported. The Prosecutor's Office retrieved them, although the secretary of the Organization said, "We gave them a copy of the files," leaving the fate of the originals in question. "The War Veterans' Organization has urged media to publish the case documents without revealing the names of witnesses," even though the Court asked the Organization to keep the records "completely confidential." The Prosecutor's Office said "multiple journalists . . . voluntarily provided us with the documents they received from the KLA War Veterans' Association." Meanwhile, the KSC made its first arrest, detaining former Kosovo Liberation Army officer Salih Mustafa and releasing the indictment charging him with war crimes. The head of the Veteran's Organization told the press that Mustafa was in a Yugoslav prison 1992-1997 "and that he was convinced that his arrest was based on files compiled by Serbian courts."

https://balkaninsight.com/2020/09/23/hague-prosecutors-criticise-kosovo-war-veterans-over-document-leaks/?utm_source=Balkan+Insight+Newsletters&utm_campaign=6c4f9150a6-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-6c4f9150a6-319725265; https://balkaninsight.com/2020/09/24/kosovo-president-warns-leaked-hague-court-files-harm-indictees/?utm_source=Balkan+Insight+Newsletters&utm_campaign=da724123de-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-da724123de-319725265; https://balkaninsight.com/2020/09/25/hague-prosecutors-publish-kosovo-guerrillas-war-crimes-indictment/?utm_source=Balkan+Insight+Newsletters&utm_campaign=745c5012f-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-745c5012f-319725265

United Nations. The UN Special rapporteur for hazardous substances and wastes said the UN must offer "individual compensation and a public apology" to the Roma, Ashkali and Balkan Egyptian refugees who were poisoned "while living in UN-operated camps in Kosovo that were situated on land contaminated by lead from a nearby mine," *BIRN* reported. For background, see *HRWG News* 2017-04, 06. https://balkaninsight.com/2020/09/22/un-urged-to-finally-compensate-lead-poisoned-kosovo-refugees/?utm_source=Balkan+Insight+Newsletters&utm_campaign=4ee8dae6fe-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-4ee8dae6fe-319725265

World Meteorological Organization (WMO). WMO coordinated a report on climate change, with input from the Global Carbon Project, the Intergovernmental Panel on Climate Change, the Intergovernmental Oceanographic Commission of UNESCO, the UN Environment Programme and the U.K. Met Office. Amid the dire warnings (for example, WMO's Secretary-General said, "Greenhouse gas concentrations—which are already at their highest levels in 3 million years—have continued to rise") is a section on the "significant impacts" COVID-19 has had on global observing systems "which in turn have affected the quality of forecasts and other weather, climate and ocean-related services." During the pandemic, aircraft-based observations have been reduced by 75-80%, work at manually-operated weather and hydrologic stations has been "badly disrupted," ocean research vessels were recalled to home ports, and ocean tracking systems could not be maintained. "The overall disruption of observations will introduce gaps in the historical time series of Essential Climate Variables needed to monitor climate variability and change and associated impacts." <https://public.wmo.int/en/media/press-release/united-science-report-climate-change-has-not-stopped-covid19>

World/general news.

Business records. Researchers from University College London and China's Tianjin University released a study showing "the global supply chains of multinational companies such as BP, Coca-Cola and Walmart are responsible for nearly a fifth of [worldwide] climate-changing carbon dioxide emissions," *Thomson Reuters Foundation* reported. A co-author said the work was the "first quantitative evidence" on the investment flows and carbon footprints of multinationals. The study used data from 2005-2016, including "a newly published time series inter-regional input-output table" and other data from the Organization for Economic Co-operation and Development (OECD), statistics from the United Nations Conference on Trade and Development, "sectoral CO2 emissions data" from the International Energy Agency, and emissions data of selected multinationals gleaned "from their sustainability reports." https://news.trust.org/item/20200908111220-16wv7/?utm_campaign=new-climate&utm_medium=newsletter&utm_source=topPicks&utm_content=link5&utm_contentItemId=20200908111220-16wv7

The 2018 Indonesian and 2019 Ethiopian crashes of Boeing's 737 MAX aircraft that together killed 346 people were "preventable" and "never should have happened," the chairman of the U.S. House of Representatives Transportation and Infrastructure Committee said as the committee issued its report on its 18-month investigation into the crashes, *The Hill* reported. The investigators interviewed Boeing employees and reviewed "thousands of pages of company documents." The report said, "Boeing withheld

crucial information from the FAA [Federal Aviation Administration], its customers, and 737 MAX pilots, including internal test data that revealed it took a Boeing test pilot more than 10 seconds to diagnose and respond” to simulated problems, “a condition the pilot described as ‘catastrophic’.” The report also found “repeated and serious failures” in FAA oversight of Boeing. The company has settled some lawsuits over the crashes but still faces both a U.S. Federal criminal investigation and about 100 lawsuits by families of 157 victims of the Ethiopian crash, *Reuters* reported. <https://thehill.com/policy/transportation/aviation/516627-house-report-rips-boeing-faa-over-mistakes-before-737-max> ; <https://www.reuters.com/article/boeing-737max-legal-idUSKBN2670CI>

“Brazilian meat giant JBS said . . . it will monitor its entire supply chain by 2025,” the *Guardian* reported. The company has been linked to suppliers that engage in illegal deforestation. JBS said it “will use blockchain technology and cattle movement documents” for its “Green Platform” monitoring program. For background, see *SAHR News* 2020-03. <https://www.theguardian.com/environment/2020/sep/23/brazil-meat-giant-jbs-pledges-to-axe-suppliers-linked-to-deforestation>

JBS was also the focus of a *Reuters* article about meatpacking companies that are not giving workers compensation for days missed after contracting COVID-19, claiming the infection was “not work-related.” In the U.S., where JBS has huge facilities, the “full picture of how the meatpacking industry has handled COVID-related workers’ compensation remains murky because of a lack of national claims data. *Reuters* requested data from seven states where JBS or its affiliates have plants that had coronavirus outbreaks. Only three states provided data in any detail; all show a pattern of rejections.” The union representing 250,000 U.S. meatpacking and food-processing workers said “at least 122 meatpacking workers have died of COVID-19 and more than 18,000 had missed work because they were infected or potentially exposed.” https://news.trust.org/item/20200929100828-7wujf/?utm_campaign=trafficking&utm_medium=newsletter&utm_source=secondListing&utm_content=link5&utm_contentItemId=20200929100828-7wujf

Volkswagen announced an agreement with Brazil’s federal, state and labor law prosecutors to pay compensation to Volkswagen’s former employees in Brazil who were persecuted-- with the collaboration of the company--during the country’s military dictatorship. The president of Sao Paulo State’s 2012-2015 truth commission said, “The factory delivered all the worker’s records to Dops [Sao Paulo’s “notorious” Department of Political and Social Order] with the factory stamp.” A victims’ association will receive 16.8 reals, a university project will receive 4.5 million reals to identify bones from “clandestine dictatorship cemeteries” and to investigate “other corporate collaborations,” and the rest of a total 36 million reals (ca. USD \$6.5 million) will go to human rights programs, the *Guardian* reported. For background, see *HRWG News* 2016-11. https://www.theguardian.com/world/2020/sep/24/volkswagen-brazil-ex-employees-persecuted-military-dictatorship-compensation?CMP=Share_AndroidApp_E-mail

Eleven Guatemala women are suing the mining giant Hudbay for their 2007 eviction from the Lote Ocho village and gang-rape by police officers, soldiers, and mine company security during the eviction. Through the discovery process, the women’s lawyers obtained thousands of company emails, photos and “other documents,” giving a peephole view of the “much larger campaign” that the company “undertook to expel Indigenous communities from a huge swath of land that the companies never had any legal right to either explore or exploit,” *The Intercept* reported. Just one of the stunning revelations: Cesar Montes, the co-founder of EGP (Guerrilla Army of the Poor) that fought the government during the long Guatemalan civil war, gave advice on expulsions to the mining company in 2006. For background, see *HRWG News* 2016-04. <https://theintercept.com/2020/09/26/hudbay-skye-canada-mining-guatemala/>

RAID, a U.K. NGO, has been “researching human rights issues” at Petra Diamonds’ Williamson Mine in Tanzania since September 2019, conducting over 100 interviews. It said the security company employed at the mine caused “35 assaults including shooting, beatings, and torture” since 2009 and at least 7 persons were killed, including two under the age of 18. The company runs a “private detention centre” at the mine, and injured persons “are often taken to the company controlled Mwadui Hospital within the Williamson Mine site.” RAID “received at least 7 reports of victims being chained to hospital beds and/or chained to other detainees” while hospitalized, and “some victims said they were denied access to their medical records.” <https://www.raid-uk.org/blog/raid-statement-its-research-petra-diamonds-williamson-mine-tanzania>

The nongovernmental organization (NGO) BothENDS asked a Dutch court to order Boskalis, a Dutch dredging company, to provide “basic information, such as the environmental impact assessment” on its sand extraction project off the coast of South Sulawesi, Indonesia. The sand extraction is affecting fishing grounds, and “the fisherfolk feel that they are being ignored, as they have been given no information about the social, economic and environmental risk of the project,” the NGO said. “As far as is known, this is the first time that a Dutch court has been asked to rule on whether a Dutch company active abroad can be obliged to provide information to direct stakeholders if their rights are being violated.” <https://www.bothends.org/en/Whats-new/Press/Both-ENDS-brings-legal-action-against-Dutch-dredging-company-on-behalf-of-fishermen-in-South-Sulawesi/>

The chief executive and two senior directors of the mining giant Rio Tinto are being “replaced” as a result of the outcry when the company destroyed the ancient Juukan Gorge rock shelters in Australia, a world heritage site important to Aboriginal people. For background, see *SAHR News* 2020-05. <https://www.smh.com.au/business/companies/rio-tinto-ceo-top-executives-resign-amid-cave-blast-crisis-20200910-p55uf8.html>

The mining company Adani lost in Australia’s Court of Appeal; it had applied for a search order against Ben Pennings, the spokesperson for Galilee Blockade, a group of activists trying to prevent the development of a coal mine and associated railway in the Galilee Basin, *ABC News* reported. The judges said Adani “failed to establish the likelihood that Mr. Pennings has any confidential information or that he has any confidential information stored at this home” and “failed to establish the likelihood that the use of any confidential information has resulted in any loss.” Significantly, the court also said, “Surely, to permit a search of a defendant’s house, with the humiliation and family distress which that might involve, lies at the outer boundary of the discretion.” Subsequently the Supreme Court granted Adani a temporary injunction stopping Pennings from doing and saying specific things in relation to the coal project while Adani undertakes civil action against him. https://www.abc.net.au/news/2020-08-27/queensland-adani-secretly-applied-to-raid-ben-pennings-home/12602472?mbid=&utm_source=nl&utm_brand=tny&utm_mailing=TNY_ClimateCrisis_090320&utm_campaign=aud-dev&utm_medium=email&bxid=5c48efcf2dd9e4807adf975&cndid=53684912&hasha=8fcd7efd9e9d6389b9f914ad34a5948d&hashb=be86af3880f5d49a71f804266e79b70bb4fa408d&hashc=f553fa26cd5d27697a335ab74e22a11c9b48c47784712d14145ae3c0ed4aad10&esrc=no_source_code&utm_term=TNY_ClimateCrisis ; <https://galileeblockade.net/>

Buzzfeed and the International Consortium of Investigative Journalists analyzed a leaked set of “more than 2,100 suspicious activity reports, or SARs, which banks and other financial institutions submit to the U.S. Treasury Department’s Financial Crimes Enforcement Network . . . when they observe transactions that suggest money laundering or other illegal activity.” Covering more than 10,000 people and organizations in more than 170 countries and territories, the reports flagged more than \$2 trillion in transactions, “mostly between 2011 and 2017.” Looking at SARs from banks, “by far the greatest number . . . comes from Deutsche Bank.” In 2019 more than 2 million SARs were filed, and that volume makes it “impossible” for law enforcement personnel “to pay close attention to them all.” <https://www.buzzfeednews.com/article/jsvine/fincen-files-explainer-data-money-transactions>

The *New York Times* obtained more than 100 pages of internal emails and records from *The Intercept* that show how it failed to protect its whistleblower, who ended up in jail for leaking a classified report on Russian cyberattacks on U.S. voting software. The lead *Intercept* reporter on the story showed the document provided by whistleblower, then an employee of the U.S. National Security Agency (NSA), to the NSA media affairs office, “all but identifying” her as the leaker. <https://www.msn.com/en-us/news/us/the-intercept-promised-to-reveal-everything-but-it-didnt-protect-a-source/ar-BB18ZOCV>

The *New York Times* ran a feature article on two men who are “reshaping the shopping landscape by acquiring bankrupt brands.” Asked what he looked for in a brand to buy, one replied, “History. Does it have good archives we can bring back, because the world repeats itself all the time. The longer the history, the better.” He surely used of the word “archives” to mean all past products, but true archives must be a factor in the decision, too. <https://www.nytimes.com/2020/09/08/business/retail-bankruptcy-authentic-brands.html>

Electronic surveillance. A database created by Zhenhua Data, a “Chinese technology company with links to Beijing’s military and intelligence agencies” was leaked by an “anti-China activist” to an “international consortium of media outlets,” *VICE News* reported. It contains the “names and personal details of some 2.4 million people,” including Australians, Britons, Indians, and U.S. citizens, with such details as “dates of birth, addresses, marital status, relatives, political associations and social media IDs.” While “a lot” of

the data was obtained from open sources on the internet, “some also appears to have been sourced from confidential bank records, job applications and psychological profiles, and is believed to have been acquired via the dark web.” https://www.vice.com/en_us/article/xg89aj/china-has-been-doing-mass-surveillance-on-millions-of-citizens-in-us-uk-australia-and-india?utm_source=Iterable&utm_medium=email&utm_campaign=curated_vice_daily_1521657

Amnesty International published a report on gaps in the current European Union export regulation framework for digital surveillance technologies. It said three EU-based companies—Morpho (now Idemia) from France, Axis Communications from Sweden and Noldus Information Technology from the Netherlands—exported digital surveillance tools to China. In addition to public industry reports and websites of the companies, Amnesty “had access to databases that record data on public procurement procedures and tender in China.” It said “none of the companies fulfilled their human rights due diligence responsibilities for these transactions, as prescribed by international human rights law. The exports pose significant risk to human rights.” A key recommendation is to oblige “licensing authorities in the EU to publicly and regularly disclose the information on [export] authorization decisions.” <https://www.amnesty.eu/wp-content/uploads/2020/09/EUR0125562020ENGLISH.pdf>

Environment. Brazil’s Igarape Institute published “Environmental Crime in the Amazon Basin: A Typology for Research, Policy and Action.” It included a table of “activities which, though not illegal in and of themselves, are commonly associated with multiple dimensions of illegality and socio-environmental harm.” In each of the categories (rural property, agriculture, wildlife, energy and mining, utilities, and roads and construction) the “potential indicators” of illegal activity are records: “number of new land titles requested,” “number of reported fire incidents,” “reported incidents of wildlife trafficking,” and so forth. https://igarape.org.br/wp-content/uploads/2020/08/2020-08-19-AE-47_Environmental-Crime-Typology.pdf

Medical records. “An *Associated Press* review of medical records for four women” who had been detained at an immigration detention center in the U.S. State of Georgia showed that a doctor whose hospital handles patients from the center “performed surgeries and other procedures on detained immigrants that they never sought or didn’t fully understand. Although some procedures could be justified based on problems documented in the records, the women’s lack of consent or knowledge raises severe legal and ethical issues, lawyers and medical experts said.” More women are reporting treatment by the same doctor, and new records are being examined. However, “AP’s review did not find evidence of mass hysterectomies as alleged in a widely shared complaint filed by a nurse at the detention center.” *Reuters* reported that “Mexico’s foreign ministry said it had identified a Mexican woman who underwent gynecological surgery” but “not a hysterectomy” while detained at the immigration facility in Georgia. The ministry said “the medical case file provided by the U.S. Customs and Immigration Enforcement agency did not include documentation showing that she had consented to the procedure.” <https://apnews.com/f2008d23c5f9087f4214d9722dfb097e>; <https://www.reuters.com/article/usa-immigration-medical/update-1-mexico-identifies-woman-who-may-have-had-gynecological-surgery-in-u-s-detention-idUSL1N2GQ11W>

The *Washington Post* profiled a man who was a sperm donor at the Oregon Health & Science University in 1989, whose 19 children have now found him through DNA test records on public genealogy sites. The man said the clinic told him the samples “would be shipped to the East Coast, where they would be used for five pregnancies at most,” but some of the resulting children were in Oregon and 19 (and counting) is more than 5. He is now suing the clinic, “accusing OHSU of fraud and emotional distress and asking for \$5.2 million in damages.” Medical records of donor agreements and practices should figure in the case. <https://hagerstownairport.org/2020/09/08/the-19-children-he-never-expected-to-meet/>

Migration. On 30 August *The Sunday Telegraph* published a story and accompanying photographs about Saudi Arabia “keeping hundreds if not thousands of African migrants locked in heinous conditions reminiscent of Libya’s slave camps as part of a drive to stop the spread of Covid-19.” Two days later the paper published video images “smuggled out” of a detention centre showing the “cramped and unhygienic” conditions; it also published satellite images showing the location of two such detention centres. The stories by *The Telegraph* “sparked outrage across Africa and the Middle East and has featured prominently on *Al Jazeera* and other Arabic media channels.” Saudi Arabia “agreed to investigate,” and the UN said it also was investigating. <https://www.telegraph.co.uk/global-health/climate-and-people/investigation-african-migrants-left-die-saudi-arabias-hellish/>; <https://www.telegraph.co.uk/global-health/climate-and-people/international-condemnation-rains-saudi-arabia-telegraph-investigation/>

Sexual abuse in conflict. “More than 50 women have accused Ebola aid workers from the World Health Organization and leading NGOs of sexual exploitation and abuse in the Democratic Republic of Congo,” reported *The New Humanitarian* and *Thomson Reuters Foundation*. The reporters “surveyed 34 organizations involved in the Ebola response on whether they had received claims of sexual abuse and exploitation by their workers;” nine declined to provide data. “Most aid agencies and NGOs said they received no abuse reports during the crisis,” and three groups “pledged investigations into the accusations, based on reporters’ findings.” The reporters conducted interviews with the women, aid agency drivers, and local NGO workers; preserving the records of the interviews is important to hold the offenders accountable. https://www.thenewhumanitarian.org/investigation/2020/09/30/Democratic-Republic-of-Congo-Ebola-response-sexual-abuse-exploitation?utm_source=The+New+Humanitarian&utm_campaign=00559a4b4e-EMAIL_CAMPAIGN_2020_09_29_SEA&utm_medium=email&utm_term=0_d842d98289-00559a4b4e-75545741

Slavery. The logbook of the slave ship *Mary* was donated to Georgetown University (U.S.) by a man who said he “discovered it sitting in his closet” in California, reported *Atlas Obscura*. It records daily activities onboard during a 1795-1796 voyage from the U.S. State of Rhode Island to today’s Senegal, Liberia and Ghana and on to Savannah, Georgia. Only about a “dozen or so known logbooks, or dated journals with daily entries . . . survive from slave ship voyages between Africa and North America.” <https://www.atlasobscura.com/articles/logbook-slave-ship-mary>

Technology. Human Rights Watch (HRW) published a study of social media platforms removing evidence of war crimes. “Companies are right to promptly remove content that could incite violence, otherwise harm individuals, or jeopardize national security or public order. But the social media companies have failed to set up mechanisms to ensure that the content they take down is preserved, archived, and made available to international criminal investigators.” HRW pointed out that domestic law enforcement officials may have the authority to compel companies to provide content, but international investigators “lack law enforcement powers and standing.” Further, “increasingly sophisticated artificial intelligence systems are taking down content before . . . [law enforcement officials] have a chance to see it or even know that it exists,” making it impossible to know “how much potential evidence of serious crimes is disappearing without anyone’s knowledge.” <https://www.hrw.org/report/2020/09/10/video-unavailable/social-media-platforms-remove-evidence-war-crimes>; <https://truemedian.com/social-media-platforms-are-destroying-evidence-of-war-crimes/>

A “security researcher” found that “anyone with an email address can get into Facebook and WhatsApp law enforcement portals, designed for law enforcement agents to file requests for user data,” *Motherboard* reported. Facebook said, “While we maintain policies to prevent spam abuse of the online request system, we have chosen to allow a wider aperture at the registration step because we conduct a manual review of every request that comes to our company.” By contrast, Google “only allows ‘verified’ law enforcement agents to submit user data” and the researcher could not get into that portal. Facebook’s public report says it received nearly 141,000 requests for user data in the last six months of 2019 for data from Facebook, Facebook Messenger, Instagram, WhatsApp and Oculus. https://www.vice.com/en_us/article/k7q94v/heres-how-police-request-data-from-whatsapp-and-facebook?utm_source=Iterable&utm_medium=email&utm_campaign=curated_vice_daily_1514298; <https://transparency.facebook.com/government-data-requests>

Google announced that it has a contract with the U.S. Department of Defense to test an “augmented reality microscope that overlays AI [artificial intelligence]-based information for doctors, providing pathology-based cancer detection tools.” Google, anticipating questions, wrote, “The AI-based models used to assist doctors as part of the prototype were developed from public and private datasets that were de-identified to remove personal health information and any personally identifiable information. All patient diagnostic data will solely be managed by the individual hospital or provider.” <https://cloud.google.com/press-releases/2020/0902/predictivehealthdiu>

The founder of Geo.Geo, a Scottish geospatial technology firm, told *Thomson Reuters Foundation*, “Gaps in mapping data—from roads to buildings—in marginalized places impede response efforts of governments and aid agencies during disasters and emergencies.” OpenStreetMap (OSM) is “a free and editable map of the world being built by communities using smart phones and drones,” and the Humanitarian Open StreetMap Team (HOT) “has been getting updated OSM data to governmental agencies and healthcare personnel trying to reach vulnerable populations during COVID-19.” HOT is

“backing COVID-19 responses in 18 countries through mapping, including Peru where more than 10,000 volunteers have made nearly one million edits to the country’s map.” However, the article warned, “while mapping is beneficial to communities, it can also lead to loss of community lands and pose threats to women and indigenous people who have traditionally not had land rights, human rights experts say, as it makes it easier to identify and acquire lands without formal tenure.” <https://news.trust.org/item/20200914091849-tt4cw/>

World War II. Poland’s Institute of National Remembrance announced that it has recovered nearly 300 documents “drafted in the years 1939-1944 by German occupation authorities in Lodz.” The documents had been hidden by “unauthorized persons, who had attempted to sell them.” <https://ipn.gov.pl/en/news/4679.The-Institute-of-National-Remembrance-has-recovered-nearly-300-documents-drafted.html>

Bilateral and multilateral news.

Australia/Timor-Leste. Bernard Collaery, an Australian lawyer, has been charged with spying for “his role in exposing details of a 2004 Australian intelligence operation to bug the Timor-Leste government during commercial negotiations to carve up oil and gas resources in the Timor Sea,” reported the *Guardian*. Collaery’s lawyer is seeking five records of Australian government briefings to departmental secretaries and ministers, which the government has refused to disclose, saying that “it was not in the public interest for them to be produced” as it would have a “particularly chilling effect” of future cabinet deliberations. <https://www.theguardian.com/australia-news/2020/sep/30/australian-government-cites-chilling-effect-on-cabinet-in-bid-to-block-release-of-papers-in-timor-leste-spy-case>

Balkan wars. After Serbia-Kosovo talks in Brussels, Serbian President Aleksandar Vucic told media, “We agreed on mechanisms regarding internally displaced persons, missing persons, and the possibility and obligations for accessing all the archives that exist.” https://balkaninsight.com/2020/09/07/serbia-kosovo-make-progress-on-wartime-missing-persons-vucic/?utm_source=Balkan+Insight+Newsletters&utm_campaign=e30748b36a-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-e30748b36a-319725265

Egypt/Israel/Syria. Israel’s Defense Ministry released “intelligence material from its archives from the deliberations of the Agranat Commission which investigated the IDF’s [Israel Defense Forces] unpreparedness for the 1973 Yom Kippur War,” the *Jerusalem Post* reported. The records show that Israel’s military intelligence knew “that an assault on Israel by Syria and Egypt was imminent.” Israel’s war casualties were 2,688, while *Weapons and Warfare* estimates Egyptian and Syrian forces suffered 19,000 killed. <https://www.jpost.com/arab-israeli-conflict/reopened-yom-kippur-war-archive-reveals-new-docs-from-arganot-commission-643408>; <https://weaponsandwarfare.com/2019/06/15/1973-yom-kippur-war/>

El Salvador/Spain. Many media outlets carried the welcome news that Spain’s highest criminal court, the Audiencia Nacional, convicted Inocente Orlando Montano of the murders of five Spanish Jesuits at Central American University (UCA) in El Salvador in 1989. An El Salvadoran Jesuit and a housekeeper and her daughter were also killed but could not be convicted because Montano “had been only extradited from the U.S. to stand trial over the deaths of the five Spaniards,” the *Guardian* explained. Writing in *The Nation*, Kate Doyle, who had been a witness in the case, reported that in a post-verdict press conference UCA’s rector said, “If the armed forces want to demonstrate their commitment to peace and justice they should . . . open their archives!” For background see *SAHR News* 2020-07; see also El Salvador below. <https://www.theguardian.com/world/2020/sep/11/ex-salvadoran-colonel-inocente-orlando-montano-jailed-for-1989-of-spanish-jesuits>; <https://elpais.com/espana/2020-09-11/condenado-a-mas-de-130-anos-de-carcel-uno-de-los-autores-intelectuales-de-la-matanza-de-los-jesuitas-espanoles-de-1989.htm> ; <https://nsarchive.gwu.edu/briefing-book/human-rights/2020-09-11/guilty-justice-for-the-jesuits-el-salvador>; <https://www.thenation.com/article/world/war-crime-el-salvador/>; <https://apnews.com/article/central-america-massacres-san-salvador-courts-el-salvador-92072fe35f55139b213da0cd00dba93a?emci=44914da0-9201-eb11-96f5-00155d03affc&emdi=e99f72d0-9301-eb11-96f5-00155d03affc&ceid=4606001>

France/Senegal. The *Washington Post* ran a feature article on the 1944 killing by French officials of “a group of West African soldiers, freshly returned from deployment, asking for their wages.” The men were returning home from the battlefields of World War II via the French garrison town of Thiaroye. “Historians are still unable to trace about 350 men known to have been at the [Thiaroye] camp . . . The hunt for facts is blocked, researchers say, by the Senegalese government ignoring their requests to access the archives.” (France gave copies of its records on Thiaroye to Senegal in 2017; see *HRWG News* 2016-12.) At a military archives office in Caen, France, a French historian helped one man find the record of

his father's death at Thiaroye; it labelled him a "deserter." The son asked the authorities to remove the "desertion" label, which they did, but did not add "died for France" as he requested, "citing a lack of death certificate and no proof that [his father] did not participate in a mutiny." He has appealed to a French court to exhume the bodies in the mass grave where the men are believed buried, change the cause of death in the records, and be paid the money that was due his father at the time of the massacre. <https://worldauthenticnews.com/a-familys-76-year-quest-for-truth-and-justice-for-west-african-soldiers-who-fought-for-france-in-wwii/>

Germany/Syria. In the German trial of two former Syrian secret service officers for crimes against humanity between 2011 and 2012 in the ongoing war in Syria, a witness who had been recruited in 2011 to work on mass graves at Najha and Al-Qutaifah said he had been responsible for keeping lists of the number of corpses and the names and numbers of the secret service branches that brought the bodies to be buried. He said he sent a copy of each list "to his superiors" and kept a "large notebook with lists neatly arranged" in a safe, *Justice Info* reported. <https://www.justiceinfo.net/fr/tribunaux/tribunaux-nationaux/45369-syrie-projecteur-sur-bureaucratie-crime-de-masse.html>

Guatemala/United States. *Reveal* published an essay on the U.S. role in ending the International Commission Against Impunity in Guatemala, known as CICIG, in 2019, although the U.S. had backed it when it was set up. "Without U.S. funds or Guatemalan support, there was no hope of the UN extending [CICIG's] mandate. So the . . . staff in Guatemala packed the commission's records into boxes, cleaned out the office and locked the doors forever." An electronic copy of the CICIG records is in the UN archives in New York. <https://www.revealnews.org/article/how-donald-trump-took-down-the-robert-mueller-of-latin-america/>

Indonesia/Malaysia/Singapore. At the opening of a new Malaysian archives building, *The Star* (Malaysia) quoted Sultan Nazrin on the importance of archives: "Take a look at the Sipadan Island-Ligitan Island case in 2002, because we have enough evidence we managed to win the dispute and have the sovereign right over both islands. We then lost Batu Putih Island in 2009 to Singapore over the lack of archival material that could be the primary evidence in the case." In 2002 the International Court of Justice (ICJ) decided for Malaysia in the Sipadan case, rejecting as definitive an 1891 Convention between Great Britain and the Netherlands, the former colonial powers, on territorial boundaries, but relying on Malaysia's Turtle Preservation Ordinance of 1917 that showed Malaysia intended "to exercise State functions with respect to the two islands." And in 2008 ICJ noted a 1953 exchange of letters between the Sultan of Johor (a part of Malaysia) and the British Colonial Secretary of Singapore about the status of Pedra Branca/Pulau Batu Puteh in which the Acting State Secretary of Johor wrote that the "Johore Government [did] not claim ownership" of the island. <https://www.thestar.com.my/news/nation/2020/10/01/sultan-nazrin-important-to-archive-history-to-protect-nations-sovereignty>; <https://web.archive.org/web/20140409130015/>; <http://www.icj-cij.org/presscom/index.php?pr=343&pt=1&p1=6&p2=1>

Iran/Israel. At a webinar talk for the Middle East Forum, Tzvi Kahn, a research fellow at the Foundation for the Defense of Democracies, discussed the massive volume of archival documents relating to Iran's nuclear weapons program that Israel seized in a raid on a warehouse in Tehran in January 2018. He argued that Iran had not declared the existence of the archives to the International Atomic Energy Agency (IAEA) and that failure "constitutes a violation of the Nuclear Nonproliferation Treaty" which Iran ratified in 1970 "as well as the Comprehensive Safeguards Agreement and 2003 Additional Protocol Iran signed with the IAEA." Kahn asked, "If Iran no longer seeks nuclear weapons, though, why would it preserve the archive?" For background on the seizure, see *HRWG News* 2018-07. <https://www.meforum.org/61486/kahn-on-the-heist-of-irans-nuclear-archive>

That question is particularly interesting in light of the IAEA's confidential quarterly report to member states, a copy of which was obtained by *Passblue*. The IAEA said that "as of August 25 Iran had stockpiled 2105.4 kilograms of low-enriched uranium, an increase of 533.8 kilograms since the previous quarterly report" and also "had enriched its uranium to a purity of up to 4.5 percent, above the 3.67 percent limited under JCPOA [Joint Comprehensive Plan of Action]." https://www.passblue.com/2020/09/07/as-iran-allows-the-un-access-to-suspected-nuclear-sites-its-uranium-stockpile-is-growing/?utm_source=PassBlue+List&utm_campaign=04c97b98f1-PB_RSS_GCTV_Aug2020&utm_medium=email&utm_term=0_4795f55662-04c97b98f1-55008469

Iraq/ISIS. "Iraqi security forces have recovered dozens of hidden Syriac manuscripts that were stolen from Assyrian churches in Mosul during the city's occupation by the Islamic State," *Al-Monitor* reported.

“The historical writings were found after a suspected IS fighter led to their location and were in his possession.” <https://www.al-monitor.com/pulse/originals/2020/09/iraq-manuscripts-mosul-islamic-state-isis-assyrian-syriac.html>

Iraq/United States. The *Wall Street Journal* reported that the Baath Party Archives, held since 2003 in the United States under the control of the private Iraq Memory Foundation and most recently stored at the Hoover Institution in California, were shipped to Baghdad, landing on 31 August. The records are “now tightly secured at an undisclosed location in the Iraqi capital.” The Hoover Institution retains a digital copy; whether other copies exist was not reported. By late September *Al-Monitor* reported that the Iraqi government was treating the archives “with complete confidentiality,” noting there “have been concerns over the possible use of such documents to politically liquidate a number of officials or pursue political blackmail.” <https://www.wsj.com/articles/baath-party-archives-return-to-iraq-with-the-secrets-they-contain-11598907600>; <https://www.dailysabah.com/world/mid-east/iraqis-face-tragic-past-with-return-of-saddam-era-archives>; <https://www.al-monitor.com/pulse/originals/2020/09/iraq-baath-archive-us.html>

ISIS/United Kingdom/United States. The U.K. High Court ruled that criminal evidence regarding two British men (now stripped of their citizenship) who were members of ISIS can be provided to the U.S. for use in trying the men for war crimes. “The two men are accused of being part of a murderous four-man team known for their brutal treatment of captives and nicknamed ‘the Beatles’ because of their British accents,” the *Guardian* wrote. The mother of one of the men had tried to block the transfer of information but was overruled by the court. For background, see *SAHR News* 2020-08. <https://www.theguardian.com/world/2020/sep/22/alleged-isis-members-can-be-tried-us-uk-high-court-ruling>

Mideast wars. The U.S. National Academies of Sciences, Engineering and Medicine released a committee report on “Respiratory Health Effects of Airborne Hazards Exposures in the Southwest Asia Theater of Military Operations.” The committee noted that exposures differed “by conflict and vary by location and over time. For example, 1990-1991 Gulf War veterans were potentially exposed to smoke from oil-well fires set by retreating Iraqi forces, while veterans of post-9/11 conflicts were likely to have been exposed to emissions from open burn pits.” It looked at 27 health problems, but “factors such as the lack of good exposure information led them to conclude that there was inadequate or insufficient information to evaluate the association between service in the Southwest Asia theatre” and all but one of the respiratory health conditions examined. They urged the U.S. Department of Veterans Affairs to cooperate “on identifying which respiratory health status information should be gathered during active duty for later use as baseline data in evaluating veterans’ health for treatment, benefits, and research purposes.” While this study focused on U.S. military, the findings also apply to nonmilitary in the war zones and the militaries from other countries that participated. https://www.nap.edu/resource/25837/Gulf%20Respiratory%20Health_Highlights_PDF.pdf?utm_source=HMD+Email+List&utm_campaign=0da740319b-ncpf-pw-Dec1_COPY_01&utm_medium=email&utm_term=0_211686812e-0da740319b-180156329&mc_cid=0da740319b&mc_eid=9ed352a082

The Independent International Commission of Inquiry on the Syrian Arab Republic issued a report on its investigations from 11 January to 1 July. The somber finding: “Notwithstanding a relative reduction in large-scale hostilities in recent months due to general conflict dynamics and the impact of coronavirus disease . . . there were regular spikes in violence and continuous violations of human rights across the Syrian Arab Republic.” The Commission “relied primarily on 538 interviews,” as well as “official documents, reports, photographs, videos and satellite imagery . . . from multiple sources.” <https://undocs.org/A/HRC/45/31>

Since ISIS was pushed out of northeast Syria three years ago, 28 mass graves have been discovered, First Responders, an NGO, said. The Syria Justice and Accountability Centre published new maps which “show that three of the mass graves are located on former prison sites, increasing fears that many of the missing might have been killed in detention.” In order to identify remains, “ante-mortem data about the missing from families and witnesses is crucial . . . It could be a photo of the clothes their son was last seen in or medical records about tooth fillings or broken bones.” https://syriaaccountability.org/updates/2020/09/10/press-release-new-campaign-reveals-mass-graves-continue-to-be-discovered-in-northeast-syria/?utm_source=SJAC+Weekly+Update&utm_campaign=99bbf38a4d-EMAIL_CAMPAIGN_2019_01_10_02_56_COPY_01&utm_medium=email&utm_term=0_0a7405c641-99bbf38a4d-90540617

The Syrian Network for Human Rights (SNHR) released its monthly report, saying in September it documented the killing of at least 102 civilians “at the hands of the parties to the conflict and the

controlling forces in Syria.” The main causes of death were suicide bombing and the detonation of IEDs (improvised explosive devices); the report said “none of the perpetrator forces . . . [has] revealed maps of the places where they planted landmines” and called on each of them to do so. SNHR also said the Syrian regime must “reveal the fate of some 84,000 Syrian citizens arrested by the security services whose fate has been concealed” and urged the United Nations High Commissioner for Human Rights (OHCHR) to prepare a special report on the use of landmines and “identify the most prominent locations where landmines were planted.” <http://sn4hr.org/blog/2020/10/01/55527/>

Peru/United States. The University of California, Davis, announced that it has a grant to work with a team in Peru to digitize the records of the Confederacion Campesina del Peru, an NGO that has “the richest collection in Peru focused on rural and indigenous people in the 20th century” and is particularly important for the Dirty War period (1980-1992). The digitized records will be open with no restrictions; copies will be held at the University of California Los Angeles Library, the Pontificia Universidad Catolica del Peru, and the office of Peru’s ombudsman. <https://lettersandscience.ucdavis.edu/blog/historians-digitize-endangered-peruvian-archive>

Saudi Arabia/Turkey/United States. Saudi Arabia sentenced eight people, unnamed, to prison terms of between 7 and 20 years for the killing of journalist Jamal Khashoggi in Istanbul in 2018, *Middle East Monitor* and many other media reported. The *Washington Post*, where Khashoggi was contributor, said “a review of Twitter records by U.S. experts is shedding new light on the pattern of abuse and intimidation during Khashoggi’s final months.” Two private U.S. firms “analyzed hundreds of Arabic Twitter accounts that were flagged by Twitter officials in 2019 as being part of a government-backed Saudi influence operation. Scores of those accounts—many of them subsequently blocked by Twitter—had been involved in attacks against Khashoggi.” The U.S. Arms Export Control Act “explicitly prohibits commerce with governments that harass U.S. citizens or residents,” which, if the abuse was directed from the Saudi government, could be invoked to prohibit weapons sales to the Kingdom. <https://www.middleeastmonitor.com/20200907-saudi-arabia-sentences-8-to-prison-in-final-khashoggi-murder-ruling/>; <https://hagerstownairport.org/2020/09/08/records-shed-light-on-online-harassment-of-jamal-khashoggibefore-his-killing/>

National news.

Note to readers: The volume of national news in September is too large to include all the items in this issue. A supplement, English only, is available by writing to trudy@trudypeterson.com. It has news items from the following countries: Afghanistan, Argentina, Belarus, Bolivia, Botswana, Brazil, Burundi, Cameroon, China, Colombia, Egypt, El Salvador, Ethiopia, Guatemala, India, Indonesia, Japan, Kosovo, Mexico, Montenegro, Mozambique, Nigeria, Peru, Singapore, South Africa, Syria, Turkey, United Kingdom, United States, and Uruguay.

Chile. The Santiago appeals court confirmed the indictment of three retired Army officers as responsible for the 2000-2001 theft or destruction of files from the National Information Center (CNI) at the Intelligence school, *BioBio Chile* reported. The case will now proceed to trial. A lawyer for the NGO London 38, which is a plaintiff in the case, called it an “historic ruling” and said the actions with which the men are charged are “very serious, since it is about the destruction of archives in a democracy, in the context of the mesa de dialogo” (discussion with the military on human rights violations) and “the detention of [former president Augusto] Pinochet in London.” <https://www.biobiochile.cl/noticias/nacional/region-metropolitana/2020/10/01/justicia-confirma-procesamiento-de-oficial-r-del-ejercito-por-destruccion-de-archivos-de-la-cni.shtml>

China. The Australian Strategic Policy Institute (ASPI) published research on “Xinjiang’s detention system and on the destruction of mosques and significant Uyghur cultural sites in the region.” ASPI researchers used satellite imagery, including night-time imagery; “located, mapped and analysed 380 suspected detention facilities;” and opened a database showing the findings. The researchers estimated that “approximately 16,000 mosques have been damaged or totally destroyed,” along with damage or demolition of “important Islamic cultural sites” in southern Xinjiang. <https://xjdp.aspi.org.au/>

El Salvador. In June the judge presiding over the El Mozote trial (the 1981 massacre of nearly a thousand civilians by the military) ordered sworn experts to search relevant archives at eight military sites. The inspections were to begin 21 September and end on 13 November, followed by one month for the experts

to prepare their report, reported *El Faro*. The judge “issued ‘preventive and precautionary’ instructions to all personnel in charge of these archives, to prevent any from being moved, hidden, or replaced.” However, on 21 September the Ministry of Defense blocked the judge and inspectors from entering the armed forces headquarters to search the archives. For background, see *SAHR News* 2020-06 and 08. https://elfaro.net/en/202009/el_salvador/24821/El-Mozote-Judge-to-Administration-%E2%80%9CJudicial-Decisions-Aren%E2%80%99t-Negotiated-They%E2%80%99re-Imposed%E2%80%9D.htm?utm_source=DB+El+Faro+English&utm_campaign=bfca0db6e4-EMAIL_CAMPAIGN_2020_04_22_01_08_COPY_01&utm_medium=email&utm_term=0_3ec9190c89-bfca0db6e4-363082696 ; <https://www.wola.org/2020/09/court-orders-el-mozote/> ; https://elfaro.net/es/202009/el_salvador/24831/El-Gobierno-Bukele-como-los-antiores-niega-a-las-v%C3%ADctimas-los-archivos-de-El-Mozote.htm

Myanmar. Two Myanmar soldiers admitted joining in the massacre of Rohingya, the *New York Times* reported. “The two soldiers’ video testimony, recorded by a rebel militia, is the first time that members of . . . Myanmar’s military . . . have openly confessed to taking part” in the violence against the Rohingya. The *Times* said it could not independently confirm the stories told by the men, but *DW* said it did: “The videos were filmed by the Arakan Army (AA), a Rakhine rebel group fighting the Myanmar military, and released by the NGO Fortify Rights, which claims it has analyzed the footage and found it to be credible. . . . *DW* was able to verify the content of the video in cooperation with Rohingya activists.” The testimony will be important evidence for the International Criminal Court and other legal proceedings. <https://www.irishtimes.com/news/world/asia-pacific/kill-all-you-see-myanmar-soldiers-admit-rohingya-slaughter-for-first-time-1.4349633>; <https://www.dw.com/en/rohingya-myanmar-genocide-human-rights/a-54934303>

Pakistan. The International Commission of Jurists (ICJ) released a briefing paper, “Entrenching Impunity, Denying Redress: The Commission of Inquiry on Enforced Disappearances in Pakistan.” Begun in 2011, the commission (COIED) was to “trace the whereabouts of allegedly enforced disappeared persons” and “fix responsibility on individuals or organizations responsible.” ICJ said its analysis showed “that in its current form, the COIED has enabled and entrenched impunity for enforced disappearances instead of providing redress to victims,” noting that even the report of a 3-member commission that preceded COIED has not been made public and calling for its release. ICJ starkly recommended that the mandate of COIED should not be renewed: it should only write and release a final report. The government should, among other recommendations, “establish an official and generally accessible, up-to-date register of all detainees and of centralized registers of all places of detention.” <https://www.icj.org/wp-content/uploads/2020/09/Pakistan-Commission-of-Inquiry-Advocacy-Analysis-Brief-2020-ENG.pdf>

Sri Lanka. The International Crisis Group, an NGO based in Brussels, reported in *CrisisWatch* that on 25 September Sri Lankan president Gotabaya Rajapaksa “directed officials to implement his future verbal orders as if they were formal written directives, adding that those who fail to do so ‘will face stern action’.” Without records, accountability and transparency are destroyed. <https://www.crisisgroup.org/crisiswatch#overview>

Syria. The Day After (TDA), an NGO, issued a press release and informational video on the problems the lack of civil documentation cause Syrians. “The conflict has stopped the functioning of official institutions responsible for registering and providing documentation on Syrians’ births, deaths, marriages, and divorces. Without this documentation, Syrians are often stuck in legal limbo.” TDA pointed out that the lack of records also leads to gaps in election registers, “depriving many Syrians of their political rights, such as the right to run for elections and vote—to the benefit of the regime.” <https://tda-sy.org/2020/09/21/no-papers-no-legal-rights-the-problem-of-civil-documentation/>

United States. The National Registry of Exonerations issued an important report, “Government Misconduct and Convicting the Innocent: The Role of Prosecutors, Police and Other Law Enforcement.” It reviewed the first 2,400 exonerations documented in its database (cases through 27 February 2019) and found that “official misconduct contributed to the false convictions of 54% of defendants who were later exonerated.” It grouped misconduct into five general categories: witness tampering, misconduct in interrogations of suspects, fabricating evidence, concealing exculpatory evidence (the most common type of misconduct, occurring in 44% of exonerations), and misconduct at trial. After an overall review, the authors said, “Recorded interrogations are the most effective means for preventing false confessions and misconduct in interrogations.” <https://www.courthousenews.com/wp-content/uploads/2020/09/exonerations-study.pdf>

A member of the Colorado State Advisory Committee to the U.S. Commission on Civil Rights wrote in *The Conversation* that the “long wait for naturalized citizenship” imperils rights for a growing number of

immigrants. “The most recent government data indicates that 700,885 naturalization applications were still pending in March 2020 and that the average processing time for the . . . application in 2020 is approximately 12 months.” It has slowed even more with the closure of government offices during the COVID-19 pandemic. “Boundless, a network of immigration experts who provide immigrants help with the naturalization process, used government data to estimate that 2,100 immigrants will run out of time to vote each day that the U.S. Citizenship and Immigration Services offices remain closed.” Even worse, “in many places, immigrants must complete the citizenship oath by early October in order to register in time” for the November election. The numbers of as-yet-unnaturalized are so large that their votes could make a difference in races in some states. https://theconversation.com/citizenship-delays-imperil-voting-for-hundreds-of-thousands-of-immigrants-in-the-2020-election-141939?utm_medium=email&utm_campaign=Latest%20from%20The%20Conversation%20for%20September%203%202020%20-%201720816627&utm_content=Latest%20from%20The%20Conversation%20for%20September%203%202020%20-%201720816627+Version+A+CID_7d2794f96650308dccc5815e8046898b2&utm_source=campaign_monitor_us&utm_term=Citizenship%20delays%20imperil%20voting%20for%20hundreds%20of%20thousands%20of%20immigrants%20in%20the%202020%20election

Venezuela. The UN Independent International Fact-finding Mission on the Bolivarian Republic of Venezuela issued detailed findings. It investigated 223 cases of human rights violations, using interviews, “confidential documents obtained from individuals and organizations, including legal case files,” open source information including social media (“especially Facebook, Twitter, Instagram and YouTube”) and satellite imagery. It “identified specific incidents and patterns establishing reasonable grounds to believe violations of international human rights law and international criminal law have been committed” by the government’s security forces. The Mission “authorized OHCHR to provide access to the existing materials contained in the [Mission’s] database to competent authorities that carry out credible, impartial and independent investigations for the purposes of ensuring accountability for crimes and other violations, in line with international law standards. Access will only be granted to the extent that witnesses or other sources of information have given their informed consent and protection concerns are addressed.” Among the 65 recommendations are: (14) Ensure that defence counsel is provided with essential court documents; (26) Ensure that all detainee records are freely accessible to family members and lawyers who request them; (31) “Make photographic documentation of trauma injuries an obligatory practice” during medical examinations of detainees and “Establish a practice of video recording medical examinations subject to consent”; (33) Train medical personnel in the investigation, interpretation and documentation of physical and psychological torture and other forms of ill-treatment; and (44) Collect and publicly disseminate reliable and disaggregated official statistics on killings attributable to security forces. https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11.pdf

Conferences, publications.

The 5th Computational Archives Science Workshop will be held virtually on 12 December; deadline for paper proposals is 27 October. <https://ai-collaboratory.net/cas/cas-workshops/ieee-big-data-2020-5th-cas-workshop/>

Swisspeace posted the video of an expert workshop “Access to security/intelligence documentation”:
<https://www.youtube.com/watch?v=wQ-krxNBVj0>

Good reads. Clementine Metenier, *Justice Info*, “Sexual Abuse in the Church: The Global Justice Map”:
<https://www.justiceinfo.net/fr/divers/44735-abus-sexuels-eglise-carte-mondiale-justice.html>

Craig Silverman, *BuzzFeed News*, “‘I Have Blood on My Hands’: A Whistleblower Says Facebook Ignored Global Political Manipulation”:
<https://www.buzzfeednews.com/article/craigsilverman/facebook-ignore-political-manipulation-whistleblower-memo>

Kaya Genc, *Index on Censorship*, “Tracing Turkey’s Disappeared”:
<https://journals.sagepub.com/doi/full/10.1177/0306422020958278>

William Costa, *Guardian*, “‘Culture is language’: why an indigenous tongue is thriving in Paraguay”:
<https://www.theguardian.com/world/2020/sep/03/paraguay-guarani-indigenous-language>

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