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**News of September 2018**

**Issue No. 106**

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**Commentary.**

We spent much of the last two decades talking about the use of archives in situations of transitional justice, focusing on the four pillars of holding accountable, ensuring no repetition, learning the truth of what happened, and providing reparations. We looked at a country's traumatic, undemocratic past, but exhibited an often naïve faith that its future would be more democratic than its past regime permitted. Now, however, we need to face the bleak reality that some countries go in the opposite direction, that a brief experience of a less repressive regime may be succeeded by the imposition—abruptly or by incremental steps—of a new repressive form of government or new repressors with a revival of the old form of government.

In the face of this fragility, archivists need to think about the steps archives in countries sliding into neo-repression should take to protect their holdings. Obviously the type of archives makes a difference: government archives have certain constraints, while the archives in nongovernmental organizations, businesses, faith-based organizations, and private archives have different sets of issues to confront.

The working group assembled by swisspeace to discuss archives at risk has made important progress in developing a protocol for handling archives that need a security copy outside the country. (The draft “Guiding Principles for Safe Havens for Archives at Risk” will be considered by the International Council on Archives at its meeting in late November.) But seeking a safe haven is a step that often is taken only when an emergency is at hand.

What should archivists do in countries where democratic rule is shaky but an emergency is not yet at recognized? Here are a few suggestions:

- \*Identify the most important part of the holdings and identify which part of the holdings may be most at risk in the case of civil unrest or of a governmental confiscation. These may not be the same materials. A constitution or an ancient codex may be the most significant holding but may not be in danger, while routine lists of members of faith-based organizations may be.

- \*Note whether the holdings at risk are copied; if not, decide whether they should be copied and whether a copy outside the country is necessary now.

- \*Study the physical security of the archives building and the holding areas. Be alert to places where arson could be set easily. Think about who provides the security (the police, a private company) and its reliability. Think about who provides computer services; think about the strength of firewalls.

- \*Agree upon who will decide to close the building abruptly in the face of unrest.

- \*Agree upon who will take over the administration of the archives if the current administrator is forced to leave abruptly. Have a backup to the backup, too, as it is not unknown to have both the archivist and deputy archivist under threat.

- \*Decide what to tell donors, including what the archives will do if faced with a legal demand to turn over the donor's materials.

“Geography is fate,” the Greek philosopher Heraclitus allegedly said. We know that is true for us as individuals, whether we are born to privilege or poverty, for example, how far we live from health care and good schools. And we know it is true, too, for the natural environment, as seas rise with climate change and storms grow stronger. It is also true for archives that are physical entities: the risk to their survival depends on geography, including what political system the archival institution exists within. In

the face of unsettling events and tenuous times, archivists need to consider carefully whether the geography where they live will put the holdings at risk or will contribute to their safety.

**HRWG News.** The meeting of the HRWG at the ICA annual meeting in Cameroon is scheduled for Sunday afternoon, November 25. It will last about 2 hours. Everyone is welcome.

### **International news.**

**European Court of Human Rights.** In a 5-2 ruling, the judges said that “some U.K. surveillance programs, including the bulk interception of communications [that were] exposed by whistleblower Edward Snowden, violate rules that protect privacy and family life,” *Bloomberg News* reported. The Court said “the program for obtaining communications data from service providers violates Article 8, which governs privacy, as well as article 10 as it doesn’t provide adequate safeguards for respecting confidential journalistic material.” The Court “specified that all bulk-interception programs don’t necessarily violate the Convention on Human Rights, but that the plans must follow . . . criteria laid out in European case law.” <https://www.bloomberg.com/news/articles/2018-09-13/u-k-surveillance-programs-are-criticized-by-human-rights-court>

**International Court of Justice (ICJ).** The United Nations General Assembly requested ICJ to issue an advisory opinion on whether the process of decolonization of Mauritius was “lawfully completed” in 1968 (the Chagos Islands were excluded) and “what are the consequences under international law of the U.K.’s continued administration, with respect to the inability to resettle Chagos residents on the islands,” the *Associated Press* reported. “Britain evicted about 2,000 people from the Chagos archipelago in the 1960s and 1970s so the U.S. military could build an air base on Diego Garcia.” A video recorded by a Chagos woman was shown, in which she said “we were uprooted like animals” during removal from the islands. U.K.’s Solicitor General “expressed deep regret at the way the Chagossians were removed.” <https://apnews.com/e7147ddba3b5451b8c04d1e6822aa84f/UN-court-hears-case-over-strategic-Indian-Ocean-islands; for video, see https://www.youtube.com/watch?v=FEwxjVIdAus>

**International Criminal Court.** Appeals judges “maintained earlier sentences imposed on former Congolese vice president Jean-Pierre Bemba and his two former lawyers for witness tampering,” but no additional jail time was imposed, *International Justice Monitor* reported. Bemba must also pay a fine of 300,000 Euros to the Trust Fund for Victims. Bemba has appealed. Because the Democratic Republic of Congo prevents people convicted of corruption from running for president, he has been disqualified. For background, see *HRWG News* 2018-07. <https://www.ijmonitor.org/2018/09/no-additional-icc-jail-time-for-bemba-and-his-lawyers/>; <https://www.ijmonitor.org/2018/09/congolese-court-bars-bembas-presidential-candidacy-due-to-icc-witness-tampering-conviction/>

In a 2-to-1 decision, judges ruled that ICC has jurisdiction “to investigate the deportation of hundreds of thousands of Rohingya Muslims from their homes in Myanmar as a crime against humanity,” the *New York Times* reported. Myanmar is not a member of the court, but Bangladesh, the home of the largest Rohingya refugee population, is. Extensive documentary evidence is available for the investigators. <https://www.nytimes.com/2018/09/06/world/asia/rohingya-myanmar-international-criminal-court.html>

Five South American countries plus Canada asked the ICC “to place Venezuela under investigation for crimes against humanity,” *National Public Radio* reported. “The alleged crimes in Venezuela date back to 2014, and include torture, the arbitrary detention of political opponents and anti-government protesters, and more than 8,000 extrajudicial executions cited in a dossier by the Organization of American States.” <https://www.npr.org/2018/09/27/652330896/latin-american-countries-urge-investigation-of-venezuela-for-crimes-against-huma>

**Permanent Court of Arbitration (PCA).** In 1993 communities in Ecuador sued Chevron-Texaco oil company in New York for environmental damage it caused. The suit has been going ever since in various countries; at one point a court in Ecuador ruled that the company should pay US\$9.5 billion to the affected communities. In the current case, PCA ruled in favor of Chevron and ordered Ecuador to pay economic compensation to the company “for denial of justice”; the amount will be determined in the next phase when Chevron and Ecuador will present “evidence to determine the amount,” *telesur* reported. For background, see *HRWG News* 2018-07. <https://www.telesurtv.net/english/news/Arbitration-Tribunal-Rules->

[Against-Ecuador-Favors-Chevron-20180907-0011.html?utm\\_source=planisys&utm\\_medium=NewsletterIngles&utm\\_campaign=NewsletterIngles&utm\\_content=8;](https://www.business-humanrights.org/sites/default/files/documents/italaw9934.pdf) [https://www.business-humanrights.org/en/texacochevron-lawsuits-re-ecuador?utm\\_source=Business+%26+Human+Rights+Resource+Centre+Updates&utm\\_campaign=58a903f647-EMAIL\\_CAMPAIGN\\_2018\\_09\\_11\\_09\\_22&utm\\_medium=email&utm\\_term=0\\_c0049647eb-58a903f647-182072537&mc\\_cid=58a903f647&mc\\_eid=f1f6556540](https://www.business-humanrights.org/en/texacochevron-lawsuits-re-ecuador?utm_source=Business+%26+Human+Rights+Resource+Centre+Updates&utm_campaign=58a903f647-EMAIL_CAMPAIGN_2018_09_11_09_22&utm_medium=email&utm_term=0_c0049647eb-58a903f647-182072537&mc_cid=58a903f647&mc_eid=f1f6556540)

**United Nations.** The United Nations' Human Rights Council Working Group on Arbitrary Detention issued an opinion concerning Xiyue Wang, the U.S. student who was doing research in Iran's national archives and now is imprisoned in Iran, convicted of being a spy for the U.S. The Working Group said, "The deprivation of liberty of Xiyue Wang, being in contravention of articles 2, 7, 9, 10, 11(1) and 19 of the Universal Declaration of Human Rights and articles 2(1), 9, 14, 19 and 26 of the International Covenant on Civil and Political Rights, is arbitrary." It concluded that "the appropriate remedy would be to release Mr. Wang immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law." For background, see *HRWG News* 2017-11. Thanks to Antoon deBaets for the reference. <http://www.concernedhistorians.org/le/590.pdf>

**World Health Organization (WHO).** WHO's "Global status report on alcohol and health 2018" said more than 3 million people died as a result of "harmful use of alcohol" in 2016, and three-quarters of these deaths were among men. The report includes good discussions of global, regional and national information systems on alcohol and health and says that WHO's Global Information System on Alcohol and Health holds data "in time series going back to 1960" and "an archive was established to facilitate access" to the older data. <http://www.who.int/news-room/detail/21-09-2018-harmful-use-of-alcohol-kills-more-than-3-million-people-each-year-most-of-them-men>

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

**Business records.** The "business advisory firm" EcoVadis published a corporate social responsibility index based on its evaluation of 956,000 documents from 33,000 companies. *Thomson Reuters Foundation* said EcoVadis found that "private sector progress on tackling modern slavery came to a halt" in 2017, with corporations with more than 1,000 workers scoring worse than smaller companies. Further, businesses performed poorly "on reducing their environmental impact in 2017" and "efforts to reduce plastic waste in particular had been underwhelming." <http://news.trust.org/item/20180926130043-n4vlp/>

The Court of Appeal in England "dismissed the case of *AAA v Unilever* in which victims of ethnic violence claimed that parent company, Unilever PLC, . . . and its Kenyan subsidiary . . . were responsible for injuries they suffered on Unilever Kenya's plantation during 2007's post election violence," *Business and Human Rights* blog reported. The court "concluded that there was insufficient evidence to demonstrate that Unilever dictated or advised upon the terms of Unilever Kenya's crisis management plans." Calling it an "insurmountable burden of proof for victims," the bloggers said "the company was not . . . required to provide disclosures" to the Kenyans, which meant that all they could see were public documents and "the company did not cooperate with requests for . . . documents." In other words, the Kenyans were asked to provide evidence held by the parent company "to prove the extent of the relationship between the parent and subsidiary before the court will order the parent to provide the evidence that addresses the extent of its relationship with the subsidiary."

[https://www.business-humanrights.org/en/inaccessible-remedies-the-unrealistic-expectations-of-proof-in-aaa-v-unilever?utm\\_source=Business+%26+Human+Rights+Resource+Centre+Updates&utm\\_campaign=fb70ec17f1-EMAIL\\_CAMPAIGN\\_2018\\_09\\_11\\_09\\_22\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_c0049647eb-fb70ec17f1-182072537&mc\\_cid=fb70ec17f1&mc\\_eid=f1f6556540](https://www.business-humanrights.org/en/inaccessible-remedies-the-unrealistic-expectations-of-proof-in-aaa-v-unilever?utm_source=Business+%26+Human+Rights+Resource+Centre+Updates&utm_campaign=fb70ec17f1-EMAIL_CAMPAIGN_2018_09_11_09_22_COPY_01&utm_medium=email&utm_term=0_c0049647eb-fb70ec17f1-182072537&mc_cid=fb70ec17f1&mc_eid=f1f6556540)

**Catholic church records.** *DW* reported that the German Bishops Conference commissioned a study of "documented cases" of sexual abuse of minors that occurred between 1946 and 2014. The researchers examined 3,677 cases, implicating 1,670 priests, but the researchers "were not allowed to look at original church files but relied on information provided by the dioceses" and "in many cases, files containing information about the accusers were 'destroyed or manipulated,' contributing to the difficulty in assessing the extent of the abuse." <https://www.dw.com/en/german-catholic-priests-abused-thousands-of-children/a-45459734>

In the Netherlands, *NRC* reported that 20 Dutch Catholic cardinals, bishops and their “auxiliaries” covered up sexual assaults on children between 1945 and 2010. A church spokeswoman said, “The names of several bishops correspond to those named in a report commissioned by the church in 2010.” *NRC* also reported that “the church destroyed the files of the accused members of the clergy,” *telesur* reported.

<https://www.nrc.nl/nieuws/2018/09/14/bisschoppen-en-kardinalen-hielden-misbruik-in-stand-a1616595>;  
[https://www.telesurtv.net/english/news/Dutch-Catholic-Church-Accused-of-Covering-up-Child-Sexual-Abuse-20180916-0001.html?utm\\_source=planisys&utm\\_medium=NewsletterIngles&utm\\_campaign=NewsletterIngles&utm\\_content=18](https://www.telesurtv.net/english/news/Dutch-Catholic-Church-Accused-of-Covering-up-Child-Sexual-Abuse-20180916-0001.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=18)

The Archdiocese of Santiago requested Chile’s Court of Appeals to send an “exhort” (like a subpoena) “to the Vatican Secretary of state, asking the Vatican to provide all available information about the abuses perpetrated by Fr. Fernando Karadima,” who has since been defrocked, reported *Catholic News Agency*. Three of Karadima’s victims filed suit in 2015 for “moral damages” against the Archdiocese; the suit was dismissed but is now on appeal. [http://www.eurasiareview.com/11092018-chile-civil-court-could-get-access-to-vatican-documents-on-karadima-case/?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29](http://www.eurasiareview.com/11092018-chile-civil-court-could-get-access-to-vatican-documents-on-karadima-case/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29)

Hunger. The United Nations issued “State of Food Security Nutrition in the World 2018.” It reported that one in nine people worldwide (821 million people) went hungry in 2017, with hunger worsening in South America and most regions of Africa, *euronews* reported. While conflict and the general economy are part of the problem, “so are changes in climate, including climate extremes such as droughts and floods which affect agricultural seasons.” [http://www.euronews.com/2018/09/12/un-global-hunger-is-rising-returning-to-levels-seen-a-decade-ago?utm\\_source=newsletter&utm\\_medium=en&utm\\_content=un-global-hunger-is-rising-returning-to-levels-seen-a-decade-ago&\\_open=eyJndWlkjoiOGZjZDdlZmQ5ZTlkNjM4OWI5ZjkxNGFkMzRhNTk0OGQifQ==](http://www.euronews.com/2018/09/12/un-global-hunger-is-rising-returning-to-levels-seen-a-decade-ago?utm_source=newsletter&utm_medium=en&utm_content=un-global-hunger-is-rising-returning-to-levels-seen-a-decade-ago&_open=eyJndWlkjoiOGZjZDdlZmQ5ZTlkNjM4OWI5ZjkxNGFkMzRhNTk0OGQifQ==); <http://www.fao.org/3/19553EN/i9553en.pdf>

In response to that report, a group of major donors launched a “50x2030” project, “an unprecedented effort to harness to power of data to boost the productivity and livelihoods of the world’s 500 million small-holder farmers.” The plan is “to conduct regular surveys of farming households in 50 low- and lower-middle-income countries” until 2030, the end date of the UN’s Millennium Development Goals, in order to have data that, “combined with other information sources,” will be “widely available to guide governments to make evidence-based decisions to increase agricultural productivity sustainably.” The press release said, “With hunger rising after years of decline, experts say the lack of farm-level data is impeding effective interventions that could help reserve this particularly challenging moment for food security.” <http://www.data4sdgs.org/news/press-release-donors-announce-major-push-generate-funding-data-end-hunger-500-million>

Medical news. Researchers looking for the link between antibiotics fed to farm animals and human illness believe they found it. Using Flagstaff, Arizona, as a laboratory, every two weeks for a year they bought meat in supermarkets and “collected bacteria from the blood and urine of patients in Flagstaff hospitals and analyzed both sets of samples” for the presence of bacteria that are drug-resistant. In one strain of *E.coli* they found a genetic marker “indicating it had occupied the guts of poultry first and then adapted to humans.” Preserving all the research records is essential because, as *Wired* pointed out, the agricultural and pharmaceutical industries have argued that “bacterial traffic from animals to meat to humans isn’t proven—and until it can be established with 100% certainty, the practice of giving livestock preventative antibiotics should continue.” [https://www.wired.com/story/farm-antibiotics-human-illness-hidden-link?mbid=nl\\_090818\\_daily\\_list1\\_p1&CNDID=53684912;for the study](https://www.wired.com/story/farm-antibiotics-human-illness-hidden-link?mbid=nl_090818_daily_list1_p1&CNDID=53684912;for%20the%20study) <https://mbio.asm.org/content/9/4/e00470-18>

*The Lancet* published a “systematic analysis” of “mortality due to low-quality health systems” in 137 low- and middle-income countries (LMICs). Using data on LMICs from the 2016 Global Burden of Disease study and “data on health-care utilization from population surveys,” researchers compared the LMIC data with data from “23 high-income reference countries with strong health systems.” They found that in 2016 the LMICs had 15.6 million “excess deaths from 61 conditions.” The researchers argued that “poor quality of health care was a major driver of excess mortality” and “universal health coverage” could avert 8.6 million deaths a year “but only if expansion of service coverage is accompanied by investments into high-quality health systems.” [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(18\)31668-4/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)31668-4/fulltext)

Project Talent was a “nationally representative study of 377,016 [U.S.] high school students” in 1960 in 1225 secondary schools from all U.S. states except Alaska. Follow-up questionnaires were sent to the participants 1, 5, and 11 years later. In 2016 researchers linked 38% of the participants in the original



study to their 2013 Medicare claims data (Medicare provides health care to persons 65 years and older and certain younger persons). They found that 2.9% of the men and 3.3% of the women had developed Alzheimer disease or a related disorder (ADRD). “Lower mechanical reasoning was associated with increased odds of ADRD in men and lower memory for words in adolescence was associated with increased odds of ADRD in women.” They believe “specific measures of cognitive ability may contribute to very early identification of at-risk subgroups who may benefit from prevention or intervention efforts.” The 1960 data is at the National Archive of Computerized Data on Aging at the University of Michigan, and the follow-up studies are at the American Institutes of Research. [https://jamanetwork.com/journals/jamanetworkopen/articlepdf/2701735/huang\\_2018\\_oi\\_180105.pdf](https://jamanetwork.com/journals/jamanetworkopen/articlepdf/2701735/huang_2018_oi_180105.pdf)

“The Cancer Genome Atlas is wrapping up. Its data now lives online in the Genomic Data Commons, freely available to the public” at the U.S. Institute of Health, and “summaries of the key themes uncovered during the 10-year project make up the Pan-Cancer Atlas,” *Pediatrics Nationwide* reported. [https://pediatricsnationwide.org/2018/09/11/generating-the-genome-how-scientists-changed-the-face-of-cancer-research/?utm\\_source=STAT%20Newsletter&utm\\_medium=email&utm\\_campaign=Research&utm\\_content=Morning%20Rounds&utm\\_source=Product+test&utm\\_campaign=fc8b20860a-EMAIL\\_CAMPAIGN\\_2018\\_06\\_22\\_02\\_21\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_814590368b-fc8b20860a-&utm\\_source=STAT+Newsletters&utm\\_campaign=912d078750-MR\\_COPY\\_08&utm\\_medium=email&utm\\_term=0\\_8cab1d7961-912d078750-149736437](https://pediatricsnationwide.org/2018/09/11/generating-the-genome-how-scientists-changed-the-face-of-cancer-research/?utm_source=STAT%20Newsletter&utm_medium=email&utm_campaign=Research&utm_content=Morning%20Rounds&utm_source=Product+test&utm_campaign=fc8b20860a-EMAIL_CAMPAIGN_2018_06_22_02_21_COPY_01&utm_medium=email&utm_term=0_814590368b-fc8b20860a-&utm_source=STAT+Newsletters&utm_campaign=912d078750-MR_COPY_08&utm_medium=email&utm_term=0_8cab1d7961-912d078750-149736437)

**Migration.** The Aquarius 2, a “charity vessel” rescuing migrants in the Mediterranean, “was told by the Panama Maritime Authority . . . that it will have its registration withdrawn.” On 24 September the boat had 58 survivors on board and was the only ship rescuing persons “in the central Mediterranean trafficking route,” *euronews* reported. Unless the ship can find a new flag and registration to sail under, it can no longer operate. <https://www.euronews.com/2018/09/24/rescue-ship-aquarius-stripped-of-its-registration>

**Technology.** Researchers focusing on the networks of known ISIS and Al Qaeda sympathizers and known foreign fighters and “content that had been flagged by Twitter as terrorist in nature” collected Twitter data from approximately 5,000 users, a massive 4.8 million tweets. They developed a model for predicting new extremist users, and “by tracking and comparing data on screen names, user name, profile images and banner images, the researchers were also able to identify 70% of additional Twitter profiles held by extremist users,” *Eurasia Review* reported. [http://www.eurasiareview.com/13092018-identifying-extremists-online-even-before-they-post-dangerous-content/?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29](http://www.eurasiareview.com/13092018-identifying-extremists-online-even-before-they-post-dangerous-content/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29)

The Federal appeals court in New York ruled that “the Wayback Machine’s archive of webpages is legitimate evidence that may be used in litigation,” reported *The Register*. The case involved an Italian computer hacker who wanted the court to exclude screenshots of “websites run by him that tied him to a virus and botnet he was ultimately convicted over.” [https://www.theregister.co.uk/2018/09/04/wayback\\_machine\\_legit/](https://www.theregister.co.uk/2018/09/04/wayback_machine_legit/)

Google introduced “Dataset Search,” a search engine to locate datasets in online repositories. The initial release will cover “environmental and social science, government data, and datasets from news organizations,” *The Verge* reported. <https://www.theverge.com/2018/9/5/17822562/google-dataset-search-service-scholar-scientific-journal-open-data-access>

Google also plans to introduce “a new censored search engine app for the Chinese market.” Fourteen nongovernmental organizations and several individuals wrote an open letter to Google, saying the search engine would have Google “actively participating” in Chinese government violations of the rights to freedom of expression and privacy. At the same time, Google asked its employees to delete copies of the internal message on the Chinese project—and that message was leaked to reporters, reported *Economic Times*. <https://www.hrw.org/news/2018/08/28/open-letter-google-reported-plans-launch-censored-search-engine-china>; <https://economictimes.indiatimes.com/tech/internet/google-asks-employees-to-delete-china-search-engine-memo-report/articleshow/65910619.cms>

### **Bilateral and multilateral news.**

**Algeria/France.** French President Macron committed to provide “free consultation” of the archives concerning the persons who disappeared during the Algerian war, *Le Figaro* reported. A spokeswoman for a group of families of persons missing during the Algerian civil war of the 1990s said she hoped that

other governments, including Algeria, would “feel obliged to open their own archives.” <http://www.lefigaro.fr/flash-actu/2018/09/13/97001-20180913FILWWW00291-macron-ouvre-en-partie-les-archives-de-la-guerre-d-algerie.php>

**Balkans.** The UN Human Rights Council’s Working Group on Enforced or Involuntary Disappearances criticized the governments of Croatia, Montenegro, Serbia and Kosovo for their lack of progress on resolving the fate of missing persons, *BIRN* reported. It said “governments often make a deliberate choice not to share relevant information, or to share it only when some other information is received in exchange, which “not only affects the right to truth of the victims and their relatives, but also the right to justice.” It called the creation of a database on active missing-persons cases a “positive note,” but said although “efforts have been made to address past misidentifications of missing persons,” access to archives and “disclosure of relevant information on cases of enforced disappearances remain problematic.” [http://www.balkaninsight.com/en/article/un-group-criticises-four-balkan-states-over-wartime-dissappeared-09-12-2018?utm\\_source=Balkan+Insight+Newsletters&utm\\_campaign=91a9f9581c-BI\\_DAILY&utm\\_medium=email&utm\\_term=0\\_4027db42dc-91a9f9581c-319725265](http://www.balkaninsight.com/en/article/un-group-criticises-four-balkan-states-over-wartime-dissappeared-09-12-2018?utm_source=Balkan+Insight+Newsletters&utm_campaign=91a9f9581c-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-91a9f9581c-319725265); and <https://www.icmp.int/wp-content/uploads/2014/08/signed-declaration-2.pdf>

A UN team used ground-penetrating radar to search for potential wartime mass graves in Kosovo, *BIRN* reported. The data was sent to Argentina for analysis, and the results will be provided to both Kosovo and Serbia. The chairperson of Kosovo’s missing persons commission said, “These records will serve as a first test to see if this method is helpful.” By the end of the war in Kosovo in 1999, the International Committee of the Red Cross registered more than 6,000 people from all ethnic communities as missing; more than 4,400 remains have since been found. “At the end of its mandate, the EU’s rule-of-law mission in Kosovo, EULEX, said it was handing over to Kosovo authorities around 2,000 files of missing persons classified as war crimes.” [http://www.balkaninsight.com/en/article/un-uses-radar-to-see-war-graves-in-kosovo-serbia-09-14-2018?utm\\_source=Balkan+Insight+Newsletters&utm\\_campaign=1fa77b6f8d-BI\\_DAILY&utm\\_medium=email&utm\\_term=0\\_4027db42dc-1fa77b6f8d-319725265](http://www.balkaninsight.com/en/article/un-uses-radar-to-see-war-graves-in-kosovo-serbia-09-14-2018?utm_source=Balkan+Insight+Newsletters&utm_campaign=1fa77b6f8d-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-1fa77b6f8d-319725265)

**Bulgaria/Russia/United Kingdom.** The U.K. nongovernmental investigative group Bellingcat said the real identity of one of the two men accused of the nerve agent attack on Sergei Skripal and his daughter in Salisbury, England, is Anatoliy Cherpiga. Working with *Insider* in Russia, they researched pictures of graduates of Russian military academies, used “leaked Russian databases available on the internet,” tracked down his 2003 passport file, and “obtained” for both men their “border crossing data for a number of countries in Europe and Asia, for the period of validity of their international passports (mid-2016 through today).” [https://www.dw.com/en/bellingcat-identifies-skripal-poisoning-suspect-as-russian-colonel/a-45651916?maca=en-newsletter\\_en\\_bulletin-2097-html-newsletter](https://www.dw.com/en/bellingcat-identifies-skripal-poisoning-suspect-as-russian-colonel/a-45651916?maca=en-newsletter_en_bulletin-2097-html-newsletter); <https://www.bellingcat.com/news/uk-and-europe/2018/09/20/skripal-suspects-confirmed-gru-operatives-prior-european-operations-disclosed/>

The poisoning of the Skripals brought back memories of the assassination of the Bulgarian journalist Georgi Markov. Markov lived in London in exile, and on 7 September 1978 he was shot with a ricin-filled pellet and died four days later. *BIRN* reported that the assassin, assumed to be a Bulgarian, was never identified and the case “still confuses and divides Bulgarian society.” A historian of Bulgaria’s Communist-era National Security apparatus wrote that “in the early days, after the fall of regime, the state Security apparatus destroyed all the records that might have disclosed how Markov’s assassination was brought about, but says that the Soviet KGB was involved in it.” [http://www.balkaninsight.com/en/article/legacy-of-a-dissident-s-assassination-lingers-in-bulgaria-forty-years-later-09-07-2018?utm\\_source=Balkan+Insight+Newsletters&utm\\_campaign=ebdb0f4a67-BI\\_DAILY&utm\\_medium=email&utm\\_term=0\\_4027db42dc-ebdb0f4a67-319725265](http://www.balkaninsight.com/en/article/legacy-of-a-dissident-s-assassination-lingers-in-bulgaria-forty-years-later-09-07-2018?utm_source=Balkan+Insight+Newsletters&utm_campaign=ebdb0f4a67-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-ebdb0f4a67-319725265)

**Burkina Faso/France.** In November 2017 French President Macron promised to declassify “all the documents produced by French administration,” both during the Thomas Sankara presidency (1983-1987) and after his assassination, for the use of Burkinabe justice. *Liberation* reported that “part of the archives has already been declassified but has not yet been sent” and they will be “transmitted in the coming days to the judge who investigates the case of the assassination.” [https://www.liberation.fr/checknews/2018/09/27/macron-a-t-il-declassifie-comme-promis-les-archives-sur-la-mort-de-thomas-sankara\\_1681585](https://www.liberation.fr/checknews/2018/09/27/macron-a-t-il-declassifie-comme-promis-les-archives-sur-la-mort-de-thomas-sankara_1681585)

**Canada/United States.** The Confederated Tribes of Colville, who live in the U.S. Colombia River watershed, petitioned the U.S. Environmental Protection Agency (EPA) to investigate the dumping of toxic wastewater slag into the river by Teck Metals, a Canadian company. After the EPA investigated

Teck “agreed to pay for a remedial investigation and feasibility study,” but the Colvilles say the company has not done so and sued, based on the EPA records and those of its own experts who “tied the pollution to Teck’s isotopic and geochemical ‘fingerprint’.” A U.S. Federal District Court judge ruled that Teck Metal “has known since the 1930s that it was dumping hundreds of tons of toxic wastewater slag into the Columbia River every day.” An appeals court upheld the judgment and, in what may be an important precedent, ruled that the Colvilles could be repaid for “their investigation costs incurred in establishing Teck’s liability.” <https://www.courthousenews.com/wp-content/uploads/2018/09/Tribes.pdf>

Eritrea/Ethiopia. On 17 September the two governments signed a final peace agreement ending 20 years of conflict. <https://www.msn.com/en-us/news/world/ethiopian-eritrean-leaders-sign-peace-agreement-in-jeddah/ar-BBNrqa>

Iraq/United States. The Program on Extremism at the George Washington University (GW) in Washington, DC, and the *New York Times* announced a “research partnership that will enable GW to create the virtual public archive of the newspaper’s ‘Isis Files’.” The press release says the *Times* has already “delivered the original documents to the Iraqi government through its embassy in Washington after the files were digitized.” Digital copies will be posted online “after GW conducts a thorough analysis of the documents to help ensure information that could harm civilians will not be published.” The Middle East Studies Association’s Committee on Academic Freedom sent an open letter to GW saying that GW’s “involvement with the archiving project implicates the university in many of the moral, ethical and professional issues it believed to be at stake in the newspaper’s decision to remove and publicize the documents.” <https://www.nytc.com/the-new-york-times-and-gw-program-on-extremism-announce-isis-files-research-partnershi/>; <https://www.gwhatchet.com/2018/09/11/researchers-to-archive-isis-documents-with-the-new-york-times/>; <https://www.insidehighered.com/quicktakes/2018/09/27/controversy-over-isis-archive>

Latin America. The European Union and the United Nations announced a 50 million Euro initiative to end femicide in Latin America. Called the Spotlight Initiative, it will focus on Argentina, El Salvador, Guatemala, Honduras and Mexico with a broad array of “interventions that will also produce disaggregated data.” Although there was no information on who would be responsible for the data, the press release said, “This evidence base will be made visible to catalyze others to similarly invest in gender equality.” [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/51262/EU-UN%20Spotlight%20Initiative%20-%20Latin%20America%20Regional%20Programme%20officially%20launched](https://eeas.europa.eu/headquarters/headquarters-homepage_en/51262/EU-UN%20Spotlight%20Initiative%20-%20Latin%20America%20Regional%20Programme%20officially%20launched)

Eleven regional governments agreed to accept expired Venezuelan passports as valid, acknowledging the difficulty Venezuelans have in renewing them. <https://www.bbc.com/news/world-latin-america-45419665>

Malaysia/Netherlands/Russia. Russia’s Ministry of Defense gave the press declassified documents showing that the missile that shot down flight MH17 in July 2014, killing 298 people on board, was manufactured at a military plant in Russia in 1986 and shipped to Ukraine that year, *euronews* reported. A spokesman for the ministry also “presented an audio” that he said was of a conversation between Ukrainian servicemen recorded in 2016 near Odessa which “proves Ukraine’s complicity in the disaster.” He “dismissed as fabricated videos that a Dutch-led international investigation used as evidence that the missile system had been transported from Russia” to Ukrainian rebels. [https://www.euronews.com/2018/09/17/russia-says-flight-mh17-downed-by-ukraine-owned-missile?utm\\_source=newsletter&utm\\_medium=en&utm\\_content=russia-says-flight-mh17-downed-by-ukraine-owned-missile&ope=eyJndWlkjoiOGZjZDdlZmQ5ZTkNjM4OWI5ZjkxNGFkMzRhNTk0OGQifQ==](https://www.euronews.com/2018/09/17/russia-says-flight-mh17-downed-by-ukraine-owned-missile?utm_source=newsletter&utm_medium=en&utm_content=russia-says-flight-mh17-downed-by-ukraine-owned-missile&ope=eyJndWlkjoiOGZjZDdlZmQ5ZTkNjM4OWI5ZjkxNGFkMzRhNTk0OGQifQ==)

Myanmar/Thailand. Thailand announced that it is opening a “migrant worker office . . . to process the documents of illegal fishery workers” in Thailand. “After the illegal workers have been given the proper documents, the office will start processing workers whose temporary passports and identity certificates will expire, as well as workers whose entry visas will expire,” reported *The Myanmar Times*. Many of the workers are from Myanmar. <https://www.mmtimes.com/news/thailand-legalise-illegal-fish-workers.html>

United Kingdom/United States. In July 2017 U.K. Prime Minister Theresa May announced a “public inquiry” into “the deaths of at least 2,400 patients after they were given blood products infected with hepatitis viruses and HIV” in the 1970s and 1980s, *inews* reported. The blood products were imported from the U.S. The inquiry opened its preliminary investigations; among its tasks is to determine “whether there have been attempts to conceal details of what happened” through “destruction of

documents or the withholding of information.” <https://inews.co.uk/news/health/infected-blood-inquiry-contaminated-blood-scandal-nhs-hiv-hepatitis-c/>

## **National news.**

**Afghanistan.** *South Asia Intelligence Review* reported that in “the 2014 election, there were an estimated 23 million voter cards in circulation for a total of around 12 million voters.” Although a National Unity Government Agreement has been signed with the aim of eliminating fake and duplicate voter cards, “there are already credible complaints by candidates and observer groups about the new Voters’ lists” (registration) for the October 20 vote. <http://www.satp.org/south-asia-intelligence-review-Volume-17-No-13>

**Australia.** Anthropologists make field notes, photographs and recordings of interviews with indigenous people; Ronald Berndt, who extensively interviewed Ngadjuri man Barney Waria, was one of them. Berndt and his wife Catherine, also an anthropologist, are dead and their field notes are in the Berndt Museum at the University of Western Australia, where they are restricted from public use until 2024 by Catherine’s 1993 will. Four anthropologists published an article arguing that Berndt’s field notes are joint intellectual property with Waria and the university should re-assess “the legal basis for the embargo.” <http://theconversation.com/friday-essay-who-owns-a-familys-story-why-its-time-to-lift-the-berndt-field-notes-embargo-94652>

**Bangladesh.** *Dhaka Tribune* reported that the government established a “Rumor Identification and Removal Centre” to monitor social media sites. <https://www.dhakatribune.com/bangladesh/government-affairs/2018/09/12/tarana-govt-to-set-up-monitoring-cell-to-detect-rumours>

**Brazil.** In August a Brazilian judge ordered a 30 day halt on “registration of new glyphosate-based [weedkiller] products” and suspension of existing registrations pending a health agency review of the safety of the products. However, in September a regional federal court overturned the ban, *Reuters* reported. For background on the health concerns related to glyphosate, see *HRWG News* 2018-08. <https://www.reuters.com/article/us-brazil-agriculture/brazil-court-overturns-injunction-suspending-glyphosate-idUSKCN1L1D7>

Institute of Public Security data showed “citizen deaths directly related to the military intervention in the state of Rio de Janeiro increased by 150 percent in the month of August,” *telesur* reported. [https://www.telesurtv.net/english/news/Brazil-Deaths-Related-to-Military-Intervention-in-Rio-de-Janeiro-Increase-150-Percent-in-August-20180915-0011.html?utm\\_source=planisys&utm\\_medium=NewsletterIngles&utm\\_campaign=NewsletterIngles&utm\\_content=8](https://www.telesurtv.net/english/news/Brazil-Deaths-Related-to-Military-Intervention-in-Rio-de-Janeiro-Increase-150-Percent-in-August-20180915-0011.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=8)

The tragic fire at the National Museum took its toll not only on objects but also on archives. Denise Gomes, a scholar of ceramics and ancient art in the central Amazon, told *Bloomberg*, “As well as the collection of intact pieces of pottery, which you don’t find anymore in the field, I kept site maps, field notebooks and sketches at the museum. This was years of documents, and I have no idea if any of this survived the fire.” In an effort to preserve the material lost in the fire, Wikipedia launched a “crowdsourced digitization project.” <https://www.bloomberg.com/view/articles/2018-09-04/politics-cost-brazil-its-national-museum>; <https://mymodernmet.com/rio-museum-archive/>

**Burundi.** The UN Commission of Inquiry on Burundi issued its second report, noting that it conducted over 400 interviews during the past year, in addition to the 500 conducted the previous year. It stated that serious human rights violations have continued and urged Burundi to establish “an independent body with a mandate to investigate the cases of disappearance reported since April 2015, locate potential mass graves, and exhume and identify the remains.” Among the recommendations on reform of the judiciary is “computerizing court registries.” In response, the government declared all three commissioners persona non grata, and the UN Human Rights Council extended the Commission’s mandate for another year. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23655&LangID=E>

**Cambodia.** Forensic anthropologist Julie M. Fleischman examined 97 execution lists from Tuol Sleng prison containing the names of 6,284 individuals with known execution dates: 82% males and 15% females with an average age of 29 years. Then she examined 508 crania at Choeung Ek killing site and estimated that 83% were male and 68% were between 20 and 35 years old. Noting that the normal mortality pattern is “high juvenile mortality, low adult mortality, and increased mortality with older age,” she concluded that “the probability of mortality during the prime of life was drastically altered by



the Khmer Rouge's ideology.”  
[https://www.academia.edu/37430108/Sites\\_of\\_Violence\\_Sites\\_of\\_Memory\\_Linking\\_Tuol\\_Sleng\\_S-21\\_and\\_Choeung\\_Ek\\_through\\_Archival\\_and\\_Skeletal\\_Evidence](https://www.academia.edu/37430108/Sites_of_Violence_Sites_of_Memory_Linking_Tuol_Sleng_S-21_and_Choeung_Ek_through_Archival_and_Skeletal_Evidence)

Chile. A court ordered 20 former agents of the National Intelligence Direction (DINA) to prison (between 100 days and 17 years) for their roles in kidnapping and murder of 12 victims during Operation Condor (1975-1985), *telesur* reported. “The Archives of Terror, a set of documents detailing military and intelligence communications” among the Southern Cone countries involved in Condor that were found in Paraguay in the early ‘90s, “listed 50,000 people murdered and 30,000 forcibly disappeared” in Condor countries. <https://www.telesurtv.net/english/news/Chile-Convicts-20-Pinochet-Era-Intelligence-Agents-for-Role-in-Operation-Condor-20180922-0011.html>

Three Chilean institutions developed the “Archivo de Sentencias”: on line searchable verdicts and analyses of all completed recent criminal cases on dictatorship-era human rights violations in Chile. Thanks to Cath Collins for the link. [www.expedientesdelapresion.cl](http://www.expedientesdelapresion.cl)

China. The UN Committee on the Elimination of Racial Discrimination conducted its periodic review of China, Macao, and Hong Kong. It expressed “alarm” over the reports it had received of the treatment of Uighur peoples and made a series of recommendations in its “Concluding Observations,” including:

“Implement mandatory collection and analysis of data on the ethnicity of all individuals stopped by law enforcement, the reasons for and outcome of those stops, report publicly on the information collected at regular intervals and include it in its follow-up report”;

“Ensure that all collection, retention and use of biometric data is regulated in law and in practice, is narrow in scope, transparent, necessary and proportionate to meeting a legitimate security goal, and is not based on any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin”;

“Disclose the current location and status of Uighur students, refugees and asylum seekers who returned to China pursuant to a demand made by the State party in the past five years”; and

“Provide the number of persons held against their will in all extralegal detention facilities in the Xinjiang Uighur Autonomous Region in the past five years, together with the duration of their detention, the grounds for detention, the humanitarian conditions in the centres, the content of any training or political curriculum and activities, the rights that detainees have to challenge the illegality of their detention or appeal the detention, and any measures taken to ensure that their families are promptly notified of their detention.”

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1196&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1196&Lang=en)

Democratic Republic of Congo. *VICE News* reporter’s documentary film, “Terror in Congo,” was released, and he published transcripts of interviews he conducted in Congo and Uganda. Some of his interviews were facilitated by the Convention for the Respect of Human Rights, a two-person team which collects photographic evidence “whenever there is a massacre.” Their photos are classic archives at risk and need a security copy in a safe haven. [https://news.vice.com/en\\_us/article/xwkenw/they-killed-people-until-they-got-tired](https://news.vice.com/en_us/article/xwkenw/they-killed-people-until-they-got-tired)

El Salvador. The 1981 massacre at El Mozote continues to shape news. The Inter-American Court for Human Rights visited the site to determine the compliance with their 2012 ruling on the case, including whether there has been “full commissioning of the ‘Unique Registry of Victims of serious human rights violations during the El Mozote massacre’ and adopt[ion of] the necessary means to ensure its temporal permanency and budgetary allocation for its effective operations.” The reopened court case on the massacre heard testimony and a presentation of evidence from an Argentine forensic investigative team. <http://www.elsalvadorperspectives.com/2018/09/the-march-towards-justice-for-el-mozote.html>

In 1982 four Dutch journalists covering the civil war were killed, and in 1993 the El Salvador truth commission concluded that Colonel Mario Reyes Mena was responsible. The Dutch television program *ZEMBLA* found the colonel in the United States, tracking him “through his three adult children, who are active on social media,” *NL Times* reported. *ZEMBLA* also obtained a document from the truth commission and email correspondence showing U.S. soldier Bruce Hazelwood knew of the plan to kill

the journalists. <https://nltimes.nl/2018/09/25/investigation-ongoing-dutch-journalists-murders-el-salvador-1982:https://zembla.bnnvara.nl/nieuws/zembla-finds-brains-behind-murder-of-ikon-journalists>

Germany. *Haaretz* reported, “The Hamburg State Archive shredded millions of death records” dating from 1876 to 1953. The Archives’ director said the shredding was a “mistake,” but “almost all the information” in the death certificates “is found in other . . . documents like death registries and in files from jails and hospitals.” <https://www.haaretz.com/world-news/holocaust-historian-slams-germany-for-shedding-millions-of-death-records-1.6494065>

Guatemala. The contest between the president and the UN International Commission against Impunity in Guatemala (CICIG) continued, with the government calling Commissioner Ivan Velasquez a “public security threat” and ordering immigration authorities to prevent him from re-entering the country. The Constitutional Court issued a unanimous ruling that Velasquez be permitted to return to Guatemala; the president said he would ignore the order; a Ministry of Defense spokesman said the army will obey the order. <https://www.reuters.com/article/us-guatemala-politics/guatemalas-president-says-u-n-anti-graft-body-is-threat-to-peace-idUSKCN1M5305>; <https://www.insightcrime.org/news/analysis/4-consequences-morales-war-cicig-guatemala/>; <https://www.aljazeera.com/news/2018/10/guatemala-army-breaks-ranks-president-court-ruling-181002001255817.html>

Archiveros sin Fronteras (AsF) published a declaration on the situation of the Historical Archives of the National Police, signed by nine national AsF chapters and AsF-International. For background on both CICIG and the police archives, see *HRWG News* 2018-08. <http://www.archiverossinfronteras.cl/>

In a 2-1 decision, a court “unanimously ruled that the country’s military carried out genocide and crimes against humanity” but acquitted former intelligence chief Jose Mauricio Rodriguez of all charges. The dissenting judge said Rodriguez was guilty because as the military intelligence commander he “absolutely would have known” of the crimes since his “role was to monitor and supervise intelligence-gathering from all regions,” *Al Jazeera* reported. <https://www.aljazeera.com/news/2018/09/guatemala-military-carried-genocide-court-rules-180927145730845.html>

India. The Supreme Court upheld the constitutionality of the government’s massive biometric identification project, Aadhaar, but with restrictions, *Eurasia Review* reported. For background, see *HRWG News* 2018-03. [http://www.eurasiareview.com/27092018-india-top-court-oks-biometric-id-program/?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29](http://www.eurasiareview.com/27092018-india-top-court-oks-biometric-id-program/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29)

Iraq. Human Rights Watch (HRW) issued a report documenting “an additional 74 cases of men and 4 cases of boys detained by Iraqi military and security forces between April 2014 and October 2017 and forcibly disappeared.” HRW researchers interviewed family members, lawyers and community representatives and “reviewed court and other official documents relating to the disappearance cases.” HRW urged “authorities” to establish an independent commission to investigate forced disappearance “and custodial deaths nationwide in all official and unofficial detention facilities,” to release or bring charges against anyone found in detention, and to give families “full details of the circumstances” of persons who died in detention. [http://www.eurasiareview.com/29092018-iraq-secret-detention-no-recourse-says-hrw/?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29](http://www.eurasiareview.com/29092018-iraq-secret-detention-no-recourse-says-hrw/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29)

Ireland. Tusla, the Child and Family Agency, announced a National Integrated Information System, with “some 450,000 records of open and closed cases involving children that come into contact with social workers” already in the system; all new cases will be added. Most information will be kept “in perpetuity,” but “clearly erroneous information will be deleted,” reported *The Journal*. <http://www.thejournal.ie/tusla-national-database-4209826-Aug2018/>

The Department of An Taoiseach (head of government) holds the records of the Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries (McAleese Committee) which investigated the state’s role, 1922-1996, in sending women to those Catholic Church institutions. The records include “data from the religious congregations that ran the laundries as well as copies of relevant official records across departments, State agencies, and bodies,” *The Irish Examiner* reported. The government said it has “no plans” to open the records: “If at some point in the future there is to be any access to the data, such access could only ever be considered in the context of the sensitivity

of the material and on the basis of the legislative protections for the personal and confidential information,” the government’s statement said. For background, see *HRWG News* 2018-08. <https://www.irishexaminer.com/breakingnews/ireland/no-plans-to-open-committee-archive-on-magdalene-laundries-867628.html>

Kosovo. Twelve former members of the government’s commission on Kosovo Liberation Army veterans were indicted by Kosovo’s Special Prosecution for registering up to 19,000 persons whose claims to be ex-guerrillas and therefore eligible for state benefits were demonstrably false. For background, see *HRWG News* 2018-08. [http://www.balkaninsight.com/en/article/kosovo-files-an-indictment-on-fake-veterans-case-09-15-2018?utm\\_source=Balkan+Insight+Newsletters&utm\\_campaign=4efcae4353-BI\\_DAILY&utm\\_medium=email&utm\\_term=0\\_4027db42dc-4efcae4353-319725265](http://www.balkaninsight.com/en/article/kosovo-files-an-indictment-on-fake-veterans-case-09-15-2018?utm_source=Balkan+Insight+Newsletters&utm_campaign=4efcae4353-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-4efcae4353-319725265)

Myanmar. Two *Reuters* reporters covering the “crackdown on Rohingya Muslims” were given 7-year prison sentences on charges of “illegally possessing official documents” in violation of the Official Secrets act, *Reuters* reported. A “police officer who testified his commander had ordered documents be planted on the journalists was subsequently jailed for a year.” <https://apnews.com/524e31b933df46c7846dccb0c3effb8e/The-Latest:-UN-human-rights-chief:-Myanmar-ruling-shocking>

As recommended by the UN Independent International Fact-Finding Mission on Myanmar, the UN Human Rights Council decided “to establish an ongoing independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunal that have or may in the future have jurisdiction over these crimes, in accordance with international law.” It instructed the new mechanism to cooperate with the ICC’s investigation and to “make use of the information collected by the fact-finding mission and continue to collect evidence” and “have the capacity to document and verify relevant information and evidence.” For background see *HRWG News* 2018-08. [http://ap.ohchr.org/documents/E/HRC/d\\_res\\_dec/A\\_HRC\\_39\\_L22.docx](http://ap.ohchr.org/documents/E/HRC/d_res_dec/A_HRC_39_L22.docx)

As also recommended by the Mission, Facebook announced that it banned 20 individuals and organizations in Myanmar from Facebook, including the commander-in-chief of the armed forces and the military’s television network, and removed “a total of 18 Facebook accounts, one Instagram account and 52 Facebook Pages, followed by almost 12 million people. We are preserving data, including content, on the accounts and Pages we have removed.” <https://newsroom.fb.com/news/2018/08/removing-myanmar-officials/>

Although overshadowed by the violence against the Rohingya, the Karen and Shan peoples’ conflicts with the government were also covered by the Mission’s report. The Karen Human Rights Group published “‘Development without us’: Village Agency and Land Confiscations in Southeast Myanmar” reporting on barriers faced by rural people “attempting to protect their ancestral lands by obtaining a land title,” including not understanding how to register, “lack of transparency in the process of measuring land, and systematic corruption in the land registration process.” <http://khrgh.org/2018/08/khrgh-2018-01/%E2%80%98development-without-us%E2%80%99-village-agency-and-land-confiscations-southeast>

Nepal. In the three-and-a-half years since they were established, the Truth and Reconciliation Commission has completed “a preliminary investigation into hardly 2,800 cases among the 63,000 cases filed, without probing in detail a single case,” while the Commission of Investigation on Enforced Disappeared Persons, “which has received around 3,000 cases so far, has completed preliminary probe into 1,210 cases,” *Kathmandu Post* reported. The terms of both commissions expire at the end of 2018; no funds have been provided to them “since the beginning of the current fiscal year.” <https://kathmandupost.ekantipur.com/news/2018-09-18/out-of-cash-transitional-justice-bodies-sit-idle.html>; <https://kathmandupost.ekantipur.com/news/2018-09-06/toothless-tigers.html>

Peru. The president signed into law the creation of a “Bank of Genetic Data to help the country identify people who were disappeared during the bloody internal conflict” between 1980-2000, reported *telesur*. [https://www.telesurtv.net/english/news/Peru-Creates-Bank-of-Genetic-Data-to-Find-Disappeared-20180908-0009.html?utm\\_source=planisys&utm\\_medium=NewsletterIngles&utm\\_campaign=NewsletterIngles&utm\\_content=7](https://www.telesurtv.net/english/news/Peru-Creates-Bank-of-Genetic-Data-to-Find-Disappeared-20180908-0009.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=7)

Spain. The Commission for the Classification of Defense Documents authorized “general access to pre-1968 documents regarded as confidential and kept in the General Military Archive in Avila,” reported *El Pais*. The Defense Ministry, however, can prevent access to “documents whose release could threaten the security and defense of the state, even if they are not legally classified.” [https://elpais.com/elpais/2018/09/19/inenglish/1537349805\\_392625.html](https://elpais.com/elpais/2018/09/19/inenglish/1537349805_392625.html)

Gay and lesbian sexual preference was criminalized between 1954 and 1979, and “those who were targeted want their discriminatory criminal records to be removed from the police's computer system” and to receive reparations, *DW* reported. Currently to obtain expungement “the victim needs to undergo an individual judicial process” which can be difficult “because the records do not always talk about homosexual acts, despite this being the reason for their arrest.” An estimated 5,000 people were convicted on these grounds; last year the government reported only “116 people have succeeded in getting compensation from the state.” [https://www.dw.com/en/spain-fails-lgbti-victims-of-franco-regime/a-45486071?maca=en-newsletter\\_en\\_bulletin-2097-html-newsletter](https://www.dw.com/en/spain-fails-lgbti-victims-of-franco-regime/a-45486071?maca=en-newsletter_en_bulletin-2097-html-newsletter)

Sri Lanka. The Office on Missing Persons released its interim report. Focused on providing relief and reparations to families of the missing, it said it “recognizes the vital importance of multiple lists of the missing and disappeared compiled by state agencies, commissions and civil society” and “will take on the critical role of compiling these records and developing a centralized list.” It commented that previous commissions of inquiry “have reported . . . the recording of incorrect information or the withholding of relevant information” by “state actors” and urged the government to “publish a full list of all detention centres as well as detainees.” <http://sri.lankabrief.org/wp-content/uploads/2018/09/OMP-Report-and-Recommendation-English-Final-Version.pdf>

Syria. The Independent International Commission of Inquiry on the Syrian Arab Republic said that in “under six months” over one million Syrians were displaced from their homes, with an estimated 6.5 million persons displaced throughout the country. The Commission “highlighted the need for an independent and impartial body to review claims relating to property rights and restitution, and emphasized the importance of ensuring women are able to participate in this process on an equal basis.” [https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A\\_HRC\\_39\\_65\\_EN.docx](https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A_HRC_39_65_EN.docx)

Syrians for Truth and Justice (STJ), a nongovernmental organization, published an in-depth report “to document and list the reasons behind the special census of 1962, and to highlight the suffering of tens of thousands of people who have been stripped of their nationality as a result.” The census was conducted only in the province of al-Hasakah in northeastern Syria, which is “largely populated with ethnic minorities having different religious affiliations,” on a single day, 5 October 1962. To be counted as citizens Kurds had to prove residency in Syrian territory since 1945. The extremely short time frame for the census . . . wasn’t enough for people to prepare the required documents or even to understand what was going on.” “Official sources” in the Personal Status Directorate of al-Hasakah (“its records and documents are central and archived at the beginning and mid of each year”) show that nearly 350,000 persons were stateless until a change in law in 2011; today about 20,000 remain stateless. STJ recommended reparations for all who were denied citizenship, restoration of citizenship to those who remain stateless and their descendants, and enabling women to pass their nationality to their children. [https://www.stj-sy.com/uploads/pdf\\_files/Syrian%20Citizenship%20Disappeared%20-%20How%20the%201962%20Census%20destroyed%20stateless%20Kurds%E2%80%99%20lives%20and%20identities.pdf?utm\\_source=SJA+C+Weekly+Update&utm\\_campaign=04ed130781-EMAIL\\_CAMPAIGN\\_2018\\_09\\_18\\_08\\_37&utm\\_medium=email&utm\\_term=0\\_0a7405c641-04ed130781-90540617](https://www.stj-sy.com/uploads/pdf_files/Syrian%20Citizenship%20Disappeared%20-%20How%20the%201962%20Census%20destroyed%20stateless%20Kurds%E2%80%99%20lives%20and%20identities.pdf?utm_source=SJA+C+Weekly+Update&utm_campaign=04ed130781-EMAIL_CAMPAIGN_2018_09_18_08_37&utm_medium=email&utm_term=0_0a7405c641-04ed130781-90540617)

The Syria Justice and Accountability Centre, a U.S.-based nongovernmental organization, released a statement on “The Dangers and Difficulties of Counting Victims in Syria.” It argued, “Organizations should ensure that when they report publicly on documentation [of numbers of victims] they are honest about the limitations of their data.” Groups “should publish their methodology, and rely on an estimated range of numbers instead of claiming to provide exact figures.” <https://syriaaccountability.org/updates/2018/09/20/the-dangers-and-difficulties-of-counting-victims-in-syria/>

United Kingdom. *The Guardian* published two articles on the “vast quantities” of local council data being used to create algorithms “to construct computer models in an effort to predict child abuse and intervene before it can happen,” to “predict vulnerability to gang exploitation,” and even to “identify”



children who “might be unable to read or write.” Data considered for inclusion in a “predictive model” may be from school attendance, housing association repairs and arrears, or police records on antisocial behavior (including “gang area intelligence”) and domestic violence. The Information Commissioner’s Office “said it would be asking questions of councils using predictive analytics to ensure they were compliant with data protection law.” <https://www.theguardian.com/society/2018/sep/16/councils-use-377000-peoples-data-in-efforts-to-predict-child-abuse>; <https://www.theguardian.com/society/2018/sep/17/data-on-thousands-of-children-used-to-predict-risk-of-gang-exploitation>

*The Guardian* published stories using data from government records:

- \*Social Metrics Commission found “official data” showed “more than 14 million people, including 4.5 million children” living in poverty;

- \* Crown Prosecution Service data showed men aged 18-24 in rape trials were convicted only 32% of the time while men aged 25-59 were convicted 46% of the time;

- \*National Health Service’s national reporting and learning system data “which records all patient safety incidents” showed sexual incidents are “commonplace” in mental health units;

- \*London Metropolitan police data showed the Met dropped 34,164 reported crimes, including sexual assaults and arson, without further investigation on the day they were reported in 2017, compared with 13,019 in 2016. <https://www.theguardian.com/society/2018/sep/16/new-study-finds-45-million-uk-children-living-in-poverty>; <https://www.theguardian.com/society/2018/sep/23/revealed-less-than-a-third-of-young-men-prosecuted-for-are-convicted>; [https://www.theguardian.com/society/2018/sep/11/nhs-care-regulator-says-sexual-incidents-commonplace-in-mental-health-units?utm\\_source=esp&utm\\_medium=Email&utm\\_campaign=Guardian+Today+-+Collection&utm\\_term=285294&subid=22849866&CMP=GT\\_collection](https://www.theguardian.com/society/2018/sep/11/nhs-care-regulator-says-sexual-incidents-commonplace-in-mental-health-units?utm_source=esp&utm_medium=Email&utm_campaign=Guardian+Today+-+Collection&utm_term=285294&subid=22849866&CMP=GT_collection); <https://www.theguardian.com/uk-news/2018/sep/09/met-police-dropped-30000-criminal-investigations-in-first-24-hours-last-year>

United States. A *New York Times* podcast described the separation of families at the U.S.-Mexico border. Border agents “use a computer program that allows them to categorize people” in one of three ways: an unaccompanied minor, an individual adult, or an adult with children (which refers to the whole family unit). Each case gets assigned an identification number, and “adults with children” shared one ID number. When the Trump administration ordered the separation of families, “border agents reprocessed members of families as either individual adults or unaccompanied minors and gave everyone new identification numbers, thus losing the one piece of data that connected the members of the family in the system. So, when the court ordered that agents reunite families, those same processing center records no longer reflected which children belonged to which parents.” *VOX* published an analysis of the inadequate software used. As of 24 September, 134 children remained separated from families. <https://www.vox.com/first-person/2018/9/26/17902262/border-family-separation-policy-reunification-software>; <https://twitter.com/jacobsoff/status/104545805859445552>

The Inspector General (IG) of the U.S. Department of Health and Human Services “selected a sample of 625 children in foster care from the 5 States that had the highest utilization of psychotropic medications in their foster care populations.” Using “foster care case file documentation and Medicaid claims data,” the IG found “one in three children in foster care who were treated with psychotropic medications did not receive treatment planning or medication monitoring as required by States.” <https://oig.hhs.gov/oei/reports/oei-07-15-00380.asp>

The nongovernmental Human Trafficking Legal Center issued a major report, “United States Federal Courts’ Continuing Failure to Order Mandatory Criminal Restitution for Human Trafficking Victims.” The data for the report comes from 420 criminal trafficking cases prosecuted under Federal laws, filed on or after 1 January 2013 and closed on or before 4 June 2016. Although restitution of “the full amount of the victim’s losses” is mandatory under Federal law, only 27% of the cases included a restitution order. <http://www.htlegalcenter.org/wp-content/uploads/2018-Mandatory-Restitution-Report.pdf>

The Network Contagion Research Institute, a nongovernmental group of scientists, “studied millions of social media messages” from two websites and found that between July 2016 and January 2018 on *4chan* “the use of a racial slur referring to African Americans grew by 30%” and derogatory terms for Jews doubled, the *Washington Post* reported. <https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2017-crime-statistics>; <http://thewashingtonpostnie.newspaperdirect.com/epaper/showarticle.aspx?article=18db97c4-91e0-489b-adc5-aa24dbffe290>

In what lawyers told the *Houston Chronicle* was a “rare ruling,” a U.S. District Court Judge ruled that if a class action lawsuit on detention of suspects beyond the 48-hour deadline for a magistrate hearing goes to trial, the jurors will receive an “adverse instruction” about the destruction of evidence: “Houston city officials intentionally destroyed evidence, wiping crucial data from the computer drives of top police commanders that is potentially relevant.” <https://www.houstonchronicle.com/news/houston-texas/houston/article/Federal-judge-rules-Houston-destroyed-evidence-in-13207414.php>

### **Publications.**

Business for Social Responsibility: “Artificial Intelligence: A Rights-Based Blueprint for Business.” <https://www.bsr.org/reports/BSR-Artificial-Intelligence-A-Rights-Based-Blueprint-for-Business-Paper-01.pdf>

*The Sydney Morning Herald*: use of satellite imagery to identify and document human rights abuses. <https://www.smh.com.au/technology/eyes-in-the-sky-the-new-way-to-identify-human-rights-abuses-20180820-p4zyis.html>

*Science*: “Emerging scientific technologies help defend human rights.” <http://science.sciencemag.org/content/361/6405/859>

HURIDOCS: “Tools for human rights documentation: our 2018 snapshot.” <https://www.huridocs.org/2018/09/tools-for-human-rights-documentation-our-2018-snapshot/>

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