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Commentary.

What do you give a 70-year-old for a birthday? If it is the Universal Declaration of Human Rights, turning 70 on December 10, the answer might be a bit of reinforcement.

The drafters of the Declaration were clear: this was a *universal* declaration, not a *United Nations* declaration, although the group worked under the aegis of the thennew UN. The Preamble of the Declaration proclaims that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." Records are essential to protect these rights and to obtain recourse when these rights are violated. The nexus between human rights and archives is strong and complex.

The Declaration was a statement of aspirations, but it lacked any means of enforcement. Work on an enforcement mechanism started soon after the declaration was adopted, leading to the 1966 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which established treaty responsibilities of the signatory States. But what about violations by non-state actors, particularly by transnational corporations and business entities? Today the damage done to health, economic stability, cultural properties, and social well-being by corporate entities is undeniable. It is easy to see the effects on workers and communities that are co-located with an industrial site, but increasingly the impact is on all of us. As readers of *HRWG News* know, there has been a long list of failed attempts to hold multinationals accountable for human rights violations.

The United Nations recognized this problem, and in 2011 the UN Human Rights Council endorsed the "UN Guiding Principles on Business and Human Rights," a set of guidelines for States and companies to prevent, address and remedy human rights abuses committed in business operations. But, like the Universal Declaration, these Guiding Principles have no enforcement mechanism. There is a current proposal to adopt a legally binding instrument "to regulate, in international human rights law, the activities of transnational corporations and other business enterprises," but its passage is far from sure.

What does all this have to do with archives? The Guiding Principles, for all their words and the extended commentary, say NOTHING about the need for good corporate records in order to monitor the operations of the business, to ensure that there is a reliable record of the actions and transactions, that there is an effective retention of records that provide evidence of corporate actions that could reasonably be assumed to impact human rights. Not a word. Yet simply reading the document shows that the Principles cannot be upheld unless a business has a robust records management and archives program, preserving the records that demonstrate the institution's compliance with—or lack of compliance with—the guidance.

We need to assure that both transnational corporations and national companies have robust records programs. We need to support corporate archivists, whose paychecks come from the company, to insist on retention of records with a human rights component. And we need the international financial institutions to incorporate in their financing agreements both the requirement that the client consent to be bound by

the Guiding Principles <u>and</u> that the client consent to maintain a trustworthy archives regime to ensure accountability processes.

That would be a truly useful 70th birthday present for the Universal Declaration of Human Rights.

<u>HRWG News.</u> 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 Commission. The European Archives Group (EAG) is an official EU Commission expert group, established in 2006. Prior to the approval of the EU General Data Protection Regulation (GDPR), EAG lobbied intensively in order to obtain exemptions for archives, with considerable success. The GDPR is a complex piece of law: it comprises 173 recitals and 99 articles. If not applied correctly, it can jeopardize archival preservation. The EAG now has prepared *Guidance on data protection for archives services*. *EAG guidelines on the implementation of the General Data Protection Regulation in the Archives Sector*, to provide basic information and practical guidance to archivists regarding the specific challenges of applying the GDPR in the archival sector. Thank you to Giulia Barrera for this information. https://ec.europa.eu/info/about-european-commission/service-standards-and-principles/transparency/freedom-information/access-documents/information-and-document-management/archival-policy/european-archives-group/guidance-data-protection-archive-services_en

Inter-American Court of Human Rights. The Court declared Peru responsible for the enforced disappearance of five persons during the armed conflict (1980-1995). In declaring the State guilty, the Court said that it considered the context in which the disappearances took place, as well as documentary evidence and "the denial of all information by the State." The Court ordered several measures of reparation, including requiring Peru to "maximize search efforts" by "judicial or administrative means, to determine the whereabouts of the victims," which surely will require a diligent search of archives. http://www.corteidh.or.cr/docs/casos/articulos/seriec_360_esp.pdf

The Court also judged Peru responsible for the enforced disappearance of Walter Munarriz Escobar. On 20 March 1999 Munarriz entered the room at a hostel where "the wife of an Officer of the National Police of Peru was staying. The woman lodged a complaint with the Police." Munarriz was arrested, but "documentation of the detention was not issued at the time of being deprived of his freedom, but later," and he has not been seen since. The Court said no "due investigation was carried out" and "the State violated the relatives' right to know the truth." http://www.corteidh.or.cr/docs/casos/articulos/seriec_355_esp.pdf

International Court of Justice (ICJ). The court held that a 1904 treaty signed by Bolivia and Chile to settle the War of the Pacific did not require Chile "to negotiate with Bolivia in order to reach an agreement granting Bolivia full sovereign access to the Pacific Ocean." Preserving treaties is a fundamental archival duty. https://www.stabroeknews.com/2018/news/world/10/02/world-court-chile-not-forced-to-negotiate-over-bolivia-sea-access-2/

Iran filed a lawsuit against the United States at the ICJ in July, arguing that sanctions the U.S. has imposed "violate the Treaty of Amity signed between the two states" in 1995, *DW* reported. ICJ ruled that the U.S. must lift sanctions on humanitarian goods to Iran. The U.S. said ICJ had no jurisdiction, that the sanctions "were justified by national security concerns." The U.S. then withdrew from the treaty. https://www.dw.com/en/un-court-orders-us-to-ditch-iran-sanctions/a-45737767?maca=en-newsletter_en_bulletin-2097-html-newsletter

World/general news.

<u>Business records.</u> Sweden authorized the state prosecutor to proceed with indictments against the chief executive and chairman of Swedish group Lundin Oil, accused of being complicit in war crimes in Sudan in the 2000s, reported *AFP*. It is "suspected of funding the Sudanese army and several militias to chase away local populations from regions where the company planned to carry out oil exploration." Business records would be important evidence. https://www.justiceinfo.net/en/live-feed/39274-sweden-oks-trial-of-lundin-oil-execs-for-sudan-war-crimes.html#.W8iXXC1zqys.twitter

Under the United Kingdom's 2015 Modern Slavery Act, companies with an annual financial turnover of over 36 million pounds must make an annual report on their efforts to combat modern slavery. Ergon Associates, a U.K. consulting firm on labor standards and human rights, analyzed the 2018 reports. They found that although 150 companies reported in 2017, only 81 produced an updated 2018 statement and there has been "no real change in content or quality." "As there is no official monitoring or enforcement mechanism, companies that do not produce new statements face little by way of sanctions."

http://ergonassociates.net/wp-content/uploads/2018/10/Ergon_Modern_Slavery_Progress_2018_resource.pdf?x74739

Twitter opened its records on accounts associated with potential information operations by Russia and Iran. *CNET* said the goal was to allow the public to "see what it's been up against." The release included "information on 3,841 Twitter accounts affiliated with Russia's IRA, or Internet Research Agency, and on 770 accounts possibly originating in Iran," including "more than 10 million tweets and more than 2 million images, GIFs, videos and Periscope broadcasts dating back to 2009." https://www.cnet.com/au/news/twitter-opens-huge-archive-of-tweets-tied-to-russia-iran/

In the U.S., the 9th U.S. Circuit Court of Appeals "reinstated a lawsuit by a group of former child slaves accusing the U.S. unit of Nestle SA . . and Cargill Company of perpetuating child slavery in Ivory Coast cocoa farms," *Reuters* reported. For background, see *HRWG News* 2017-03. https://www.reuters.com/article/us-usa-court-nestle/u-sappeals-court-revives-nestle-child-slavery-lawsuit-idUSKCN1MX2UM

Educational records. Researchers at the Peace Research Institute Oslo "reviewed the last 20 years' worth of statistical studies—42 published between 1996 and 2016—on the relationship between education and political violence." They found "lack of male education appears to be the strongest predictor of conflict," *Eurasia Review* reported. "Systematic inequalities in access to education between religious and ethnic groups also appear to fuel conflict." However, "higher levels of gender parity in educational outcomes are . . associated with less violence." http://www.eurasiareview.com/12102018-does-more-education-stem-political-

violence/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Environmental records. The Intergovernmental Panel on Climate Change released a report on efforts that must be undertaken to keep global warming to 1.5 degrees Celsius above pre-Industrial Revolution levels. The enormous report was based on "a massive survey by almost 100 authors and 1,000 reviewers citing 6,000 studies," *Science* reported. That was followed by a report in *Nature* by an international team of geoscientists who used data, 1991 to the present, to compare atmospheric gases with "80,000 data points" from 4,000 ocean sensors. They concluded that the ocean is warmer than previously estimated, meaning that the earth has warmed more than http://ipcc.ch/news_and_events/pr_181008_P48_spm.shtml;

https://www.nature.com/articles/s41586-018-0651-8#ref-CR6

An international team of public health researchers combined Medical records. "national asthma incidence and prevalence rates and a newly constructed dataset of asthma ERV [emergency room visits] rates from survey data in 54 countries and Hong Kong" with both population data and "globally gridded pollution concentrations, derived from satellite remote sensing and chemical transport modeling." Writing in Environmental Health Perspectives, they "estimated that 9-23 million and 5-10 million annual asthma emergency room visits globally in 2015 could be attributable to ozone and [fine particulate matter]" and that the "global asthma burden that could by avoided reducing ambient air be https://ehp.niehs.nih.gov/doi/full/10.1289/EHP3766?utm_source=STAT+Newsletters&utm_campaign=f757cab282-MR_COPY_08&utm_medium=email&utm_term=0_8cab1d7961-f757cab282-149736437&

Using 313,318 CT [computed tomography] scans of heads together with the associated clinical reports from 20 medical centers in India between January 1, 2011, and June 1, 2017, researchers created a set of "deep learning algorithms" to detect head trauma or stroke symptoms, reported *The Lancet.* https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)31645-3/fulltext?dgcid=raven_jbs_etoc_email

In 1994 3,300 U.S. women aged 42 to 52 from diverse racial groups agreed both to have extensive annual physical checkups for 20 years and to answer questions about their experiences of "everyday discrimination." Using data on 2,180 of the participants, researchers found that women "who regularly experienced everyday discrimination ended up with higher blood pressure a decade later," were "more likely to put on weight, which in turn is linked to higher blood pressure," *The Atlantic* reported. <a href="https://www.theatlantic.com/health/archive/2018/10/everyday-discrimination-raises-womens-blood-pressure/572518/?utm_source=STAT+Newsletters&utm_campaign=a0d05ea310-MR_COPY_12&utm_medium=email&utm_term=0_8cab1d7961-a0d05ea310-149736437"

<u>Privacy.</u> Using "genomic data of 1.28 million individuals" from MyHeritage and Geni.com, a team of biologists and computer scientists investigated the ease of identifying an individual "via distant familial relatives." In an article in *Science* they said that for U.S. individuals of European descent, about 60% can be identified, and they predict that in the near future that will approach 100%. They urged the U.S. government and the DNA industry to adopt measures to better protect privacy. http://science.sciencemag.org/content/early/2018/10/10/science.aau4832

<u>Torture.</u> Using the freedom of information act, the U.S. nongovernmental National Security Archive obtained "previously censored dates and times on cables sent by future [U.S.] CIA director Gina Haspel when she commended a CIA black site in Thailand in 2002 where interrogators tortured and waterboarded an al-Qaeda suspect." https://nsarchive.gwu.edu/briefing-book/foia-intelligence-torture-archive/2018-10-18/gina-haspel-cia-torture-cables-dates-times-declassified

Weapons. In the wake of more mass shootings in the United States, an August 2018 study published by *JAMA* received new attention. Researchers used "a combination of de-identified aggregated data from vital registration, verbal [reports of] autopsy, census and survey data, and police records in models for 195 countries and territories" to "estimate of the global burden of firearms deaths in 2016, change in this burden from 1990, and variation in levels and rates among countries." They estimated that worldwide 251,000 people died from firearm injuries in 2016, with six countries (Brazil, United States, Mexico, Colombia, Venezuela, and Guatemala) accounting for 50.5% of the deaths. "Firearm injury deaths in 2016 were highest among persons aged 20 to 24 years," and "estimates of the number of firearms by country were associated with higher rates of firearm suicide . . and homicide." https://jamanetwork.com/journals/jama/article-abstract/2698492; https://www.procon.org/headline.php?headlinelD=005408

World War II. Norway issued an official government apology to Norwegian women who were "vilified after WWII for having had relationships with German soldiers," reported *euronews*. After the war the women were "deprived of their civil rights, arrested, incarcerated without trial and even expelled from the country." In 2001 Norway was sued by 150 children of the women, seeking compensation, but the case was dismissed. However, the records of the vilification remain as evidence. https://www.euronews.com/2018/10/18/norway-apologises-for-post-wwii-mistreatment-of-german-girls

In 1992 Argentina's Ministry of Foreign Affairs declassified 139,544 documents, mostly dated between 1939 and 1950, relating to World War II in Argentina. Six months ago the nongovernmental Ciudadanos Libres por la Calidad Institucional obtained digital copies of the documents and agreed to cooperate with the Delegation of Argentine Jewish Associations (DAIA) to work on them, *JTA* reported. Now DAIA has released a short documentary film with "the first details of the study of the documents." Research in the documents is "expected to clarify the help that Argentina, which stayed neutral for much of World War II before joining the Allies, provided to Nazi war criminals." https://www.haaretz.com/world-news/americas/newly-revealed-documents-show-argentina-nazi-s-ties-during-wwii-1.6573704

Bilateral and multilateral news.

Algeria/France. French historian Sylvie Thenault, writing in *The Conversation*, reflected on the French government's promise to open the records relating to the Algerian war and called for a bilateral French-Algerian inventory of all sources relating to the French colonial period in Algeria. https://theconversation.com/a-quand-un-inventaire-franco-algerien-des-archives-de-lalgerie-a-la-periode-coloniale-104430

<u>Armenia/Turkey.</u> Prior to World War I the Turkish city of Van had a large Armenian population, many of whom did not survive the Ottoman violence and deportations of that era. Turkey announced that excavations in the old city of Van have found court documents and Ottoman archives. They have been transferred to the Ottoman archives in Istanbul, where "the findings are being classified" and 23,500 documents have been restored, reported *Hurriyet*. http://www.hurriyetdailynews.com/ottoman-documents-to-shed-light-on-history-137533

<u>Balkans.</u> An important element of transitional justice is monitoring the work of the judicial system: courts, prosecutors, and police. The nongovernmental Humanitarian Law Centre Kosovo published an overview of war crimes cases in Kosovo from 1999 to mid-June this year. The project coordinator told *BIRN* that the publication was the result of systematic monitoring of war crimes trials: "To possess such rich documentation was of great help in compiling the publication." <a href="http://www.balkaninsight.com/en/article/111-accused-for-war-crimes-in-kosovo-during-1999-2018-10-25-2018?utm_source=Balkan+Insight+Newsletters&utm_campaign=7475d45642-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-7475d45642-319725265

The International Committee of the Red Cross and the Office of the Prosecutor (OTP) of the International Residual Mechanism for Criminal Tribunals (the body established by the UN Security Council in 2010 to perform the remaining functions of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda) signed a Memorandum of Agreement to cooperate in the search for persons still missing from the conflicts in the Balkans. "This cooperation and assistance will include accessing, analysing and transmitting for action information from the OTP evidence collection and other sources," *Diplomat Magazine* reported. http://www.diplomatmagazine.nl/2018/10/11/mou-in-the-search-for-missing-persons/

<u>Bangladesh/Myanmar.</u> Bangladesh's Liberation War Museum, Center for the Study of Genocide and Justice, published an extended report of the "testimonies of discriminations and atrocities from the Rohingya survivors, eyewitnesses and victims

who fled the violence [in Myanmar] to Bangladesh." It exposes the manipulation of documents by the Myanmar government, the stripping of Rohingya identity, and the resulting statelessness. The Museum's archives should hold these raw testimonies. http://www.gaamac.org/information-platform-www/media-uploads/Liberation_War_Museum_report_2018.pdf

Belgium/Burundi. Burundi's government accused Belgium of ordering the assassination of Prime Minister Crown Prince Louis Rwagasore in 1961 and said it "plans to launch a technical commission to investigate" the assassination of Rwagasore and his two young children, reported telesur. https://www.telesurtv.net/english/news/Burundi-Accuses-Belgium-of-Ordering-Hit-on-Independence-Hero-20181014-0017.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=18

<u>Belgium/Rwanda.</u> Belgium will send Rwanda copies of all its colonial era archives from both the Royal Museum for Central Africa and the Royal Archives, *RTBF* reported. https://www.rtbf.be/info/belgique/detail_la-belgique-va-rendre-au-rwanda-les-archives-de-la-periode-coloniale?id=10031374

<u>Canada/Russia/Ukraine.</u> More than 9,000 German Mennonites living in Ukraine were arrested during the Stalin-era purges of 1936-38. Earlier this year Ukraine opened its KGB files for research, and a group of Canadian Mennonites have found the records of the fates of their relatives, *CBC News* reported. https://newsinteractives.cbc.ca/longform/ukraine-mennonite-kbg-archives

<u>Canada/United States.</u> In 2014 the Royal Canadian Mounted Police estimated 1,181 indigenous women disappeared or were murdered since 1980, and the U.S. National Crime Information Center in 2016 reported 5,712 cases of missing native women. A cartographer who is a member of the Cheyenne Tribe is mapping the missing to learn the geographic distribution of the cases. She told *Thomson Reuters Foundation*, "Mapping is an indigenous way of knowing. It can yield really powerful results, especially for social issues that are hard to discuss, like missing and murdered indigenous women." http://news.trust.org/item/20180928110012-bll1r/

El Salvador/Honduras/United States. Using data from the 2014 Americas Barometer survey of Vanderbilt University's Latin American Public Opinion Project, a team of political scientists found "being a victim of crime is a powerful motivation for migrants to come to the United States, despite understanding the risks of the journey and challenges of the U.S. immigration system," *Eurasia Review* reported. http://www.eurasiareview.com/01102018-crime-not-money-drives-migration-from-el-salvador-and-honduras/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

<u>Iraq/United States.</u> A researcher who worked with the *New York Times* reporter who carried documents out of Iraq published an article on *History News Network* in support of the agreement between the *New York Times* and George Washington University. For background, see *HRWG News* 2018-09. Thanks to Antoon de Baets for the reference. https://historynewsnetwork.org/article/170176

<u>Japan/Korea.</u> Korea's Supreme Court upheld a lower court ruling that the Japanese firm Nippon Steel & Sumitomo Metal "must compensate four South Korean victims forced to work in its factories during Japan's colonial rule of the Korean Peninsula," reported *The Korean Herald.* Japan argued that the 1965 Korea-Japan Normalization Treaty settled the issue of forced labor, but the court said the treaty did not terminate the victims' rights to open a damages suit for suffering inflicted by the company. http://www.koreaherald.com/view.php?ud=20181030000606

<u>Latvia/Russia.</u> Latvia's parliament passed a law on public access to the Soviet KGB documents held in the Centre for the Documentation of the Consequences of Totalitarianism, which will transfer the records to Latvia's National Archives.

"According to the law adopted, we will publish card files of agents and off-staff operational workers, KGB employees' phonebooks containing information about the staff as well as the documentation on the Central Committee of the Communist Party in Latvia," the government said. http://belsat.eu/en/news/latvia-to-release-kgb-card-files-to-public/

Russia/United Kingdom. The U.K. nongovernmental investigative group Bellingcat said the real identity of the second of the two men accused of the nerve agent attack on Sergei Skripal and his daughter in Salisbury, England, is Alexander Yevgenyevich Mishkin, a trained military doctor in the employ of the GRU, the Russian military intelligence service. "Bellingcat's identification process included multiple open sources, testimony from people familiar with the person, as well as copies of personally identifying documents, including a scanned copy of his passport." For background, see *HRWG News* 2018-09. https://www.bellingcat.com/news/uk-and-europe/2018/10/08/second-skripal-poisoning-suspect-identified-as-dr-alexander-mishkin/

Saudi Arabia/Turkey/United States. The killing of exiled Saudi journalist Jamal Khashoggi in Saudi Arabia's consulate in Istanbul brought international demands for an explanation of the killing and the delivery of his body to his family. Many news organizations reported Turkey saying it has audio and video recordings from inside the consulate that prove Khashoggi was murdered there. CCTV footage from Istanbul's airport showed a 15-man team of Saudis arriving; they are alleged to have been the team that carried out the killing. And the New York Times "gathered more information about the suspects using facial recognition software, publicly available records, social media profiles, a database of Saudi cellphone numbers, Saudi news reports, leaked Saudi government documents, and in some cases the accounts of witnesses in Saudi Arabia and countries the [Saudi] crown prince has visited." Khashoggi went to the consulate to get documentation certifying he had divorced his ex-wife so he could https://www.theguardian.com/world/2018/oct/12/recordings-prove-jamal-khashoggi-killed-turkishremarry. https://www.aljazeera.com/news/2018/10/midterms-2018-latest-updatesinvestigators-claim; 181030175547529.html; https://www.nytimes.com/2018/10/16/world/middleeast/khashoggi-saudi-prince.html

<u>United Kingdom/Northern Ireland/United States.</u> A further development in the seemingly endless Boston tapes case: Anthony McIntyre, a former member of the Irish Republican Army, lost his most recent attempt to prevent the Northern Ireland police from gaining access to oral history interviews he recorded that are held by Boston College in the United States. The tapes, flown from Boston, are currently under seal at the court, the *Irish Times* reported. For background see *HRWG News* 2016-07, 2017-05. https://www.irishtimes.com/news/crime-and-law/ex-ira-man-loses-battle-to-stop-police-accessing-interview-tapes-1.3671578?mode=amp&fbclid=lwAR2i0wRQq5VMzaRn16L1mLmr2HBdkqK2jMsjyyyQFvYrsN5Hsa1-ZSXhFVw

Vatican/United States. The Vatican promised a "thorough" study of Vatican archives related to former U.S. cardinal Theodore McCarrick, who has been accused of sexual abuse of both adults and minors. According to the Washington Post, the Vatican will undertake "information-gathering from documents in Vatican offices" to "ascertain all the relevant facts, to place them in their historical context and to evaluate them objectively" and will "make known the conclusions." Subsequently, the Washington, D.C., archbishop "released a list of 31 clergy members who had been 'credibly accused' of abusing minors dating back 70 years," and the U.S. Justice Department launched an investigation of sexual abuse by Catholic clergy in the U.S. State of Pennsylvania, seeking, according to the *Associated Press*, "documents stored in 'Secret Archives,' 'Historical Archives' or 'Confidential Files,' and records related to the dioceses' organizational charts, finances, insurance coverage, clergy assignments and treatment of priests." https://www.washingtonpost.com/world/europe/pope-francis-pledges-thorough- study-of-vatican-archives-on-mccarrick/2018/10/06/b2aa1c50-c978-11e8-b1ed-1d2d65b86d0c_story.html?utm_term=.7f39f20e0c88; https://www.pennlive.com/nationworld/2018/10/dc_archdiocese_releases_list_o.html https://www.cbsnews.com/news/pennsylvania-clergy-sex-

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abuse-catholic-church-federal-subpoenas-department-of-justice-2018-10-18/

National news.

Albania. Albania ordered media websites to register with the tax authority as part of an "anti-defamation campaign," listing 44 sites that "risked closure if they do not register with the tax authorities and publish their tax number online" within 72 hours. The Organization for Security and Cooperation in Europe's Representative on Freedom of the Media criticized the order, saying it erodes the rights of freedom of expression and information, *BIRN* reported. It is an example of using documentation (registration) to control. <a href="http://www.balkaninsight.com/en/article/albania-website-registration-request-criticized-10-18-2018?utm_source=Balkan+Insight+Newsletters&utm_campaign=6dfebc27ab-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-6dfebc27ab-319725265

Thomson Reuters Foundation published two articles on controversies in the state of Mato Grosso do Sul, where the 2010 census showed 73,000 "self-declared indigenous inhabitants." In one, a lawyer was interviewed with a "pile of lawsuits" regarding the separation of indigenous children from their families and placement in state children's homes (the nature of the documents used to petition for removal was not explained). The other article, describing continuing violence over land rights, said that "anthropological reports proved the [Guarani-Nandeva] tribe's ancestral ties" to a tract of land but the formal government "demarcation process" recognizing the land as the tribe's "was halted after farmers filed lawsuits refusing to leave the area compensation." Preserving legal without the records http://news.trust.org/item/20181010111211-djzmt/; http://news.trust.org/item/20181025105835-gzr8s/

<u>Burundi.</u> The Burundi Truth and Reconciliation Commission presented its interim report to Parliament, *regionweek* reported. Parliament instructed the Commission both to "extend investigations of war crimes to the colonial period, spanning from 1896" and to "go beyond 2008." http://regionweek.com/burundi-truth-and-reconciliation-commissioncvr-presented-an-interim-report-to-parliament/

<u>Cambodia.</u> A team of researchers from the University of London studied the brickmaking industry in which workers exist in "modern slavery." Their conclusion was based on interviews with brick kiln workers and kiln owners, residents around the kilns, and Buddhist monks, over 300 "household surveys in 3 villages that comprise high levels of out-migration to brick kilns," and geospatial data. All this research data needs to be preserved in the university archives. https://static1.squarespace.com/static/596df9f8d1758e3b451e0fb2/t/5bc4d7cdc83025e41e7b10a0/1539627177544/Blood+bricks+high+res+v2.pdf

<u>Canada.</u> The National Centre for Truth and Reconciliation (NCTR) is developing a National Residential School Student Death Register that will list the children who never returned from residential schools, *CBC* reported. "The work of documenting the deaths was begun by the TRC's Missing Children and Unmarked Burials working group. The NCTR has continued the work and says the most accurate number to date is 4,200 children identified by name and unnamed death records." http://www.cbc.ca/news/indigenous/residential-school-student-memorial-register-1.4880391

The Council of Yukon First Nations has 1,782 boxes of material stored at the Yukon Archives. Now a project funded by a grant from the Documentary Heritage Communities Program run by Library and Archives Canada has hired a team of four archivists to appraise, arrange and describe and preserve the materials. *Yukon News* reported, "Along with documents are extensive collections of photos, videos and audio recordings . . 7,100 film negatives, 900 videotapes, canisters containing 16-millimetre film the team is nervous to put on a projector because they're in such a delicate state, and 2,850 audio cassettes with recordings of interviews with elders, oral histories and First Nations language projects."

https://www.yukon-news.com/news/cyfn-begins-project-to-properly-archive-historical-records/

<u>Central African Republic.</u> The International Crisis Group reported that the Special Criminal Court to try suspected crimes against humanity since 2003 held its inaugural session.

 $\frac{\text{https://www.crisisgroup.org/crisiswatch?utm_source=Sign+Up+to+Crisis+Group\%27s+Email+Updates\&utm_campaign=107fff2d4f-EMAIL_CAMPAIGN_2018_10_31_04_06\&utm_medium=email\&utm_term=0_1dab8c11ea-107fff2d4f-359425329\#overview}$

<u>Chile.</u> A court ruled that a major national lumber company, Bosques Arauco, must return "nearly 100 hectares to the Ignacio Huilipan Indigenous community," citing a "1904 'Mercy title' map that showed that a natural water boundary entitled the land to the community," *telesur* reported. https://www.telesurtv.net/english/news/Indigenous-Chileans-Win-Back-Land-From-Logging-Company-20181003-

0007.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=8

<u>Colombia.</u> The Prosecutor General sent staff members to the Special Jurisdiction for Peace (the court sent up to handle cases arising from the state conflict with the FARC guerrilla group) and "seized copies of case files" related to "kidnapping allegedly carried out by demobilized FARC members, also known as 'Case 001.'" According to the president of the court, a few hours later "the same official who had accessed and taken a digital copy of the file returned and destroyed it" in the presence of court officials, *Colombia Reports* wrote. https://colombiareports.com/colombias-chief-prosecutor-intimidating-and-categorical-meddling-with-war-crimes-tribunal-court-president/

<u>Gambia.</u> The Truth Commission opened in Gambia, *Time* reported, to investigate human rights abuses committed between July 1994 and January 2017. "The head of the Gambia Center for Victims of Human Rights Violations . . said the organization has documented hundreds of cases." http://time.com/5425646/gambia-truth-reconciliation-yahya-jammeh/

Germany. The German Child Welfare Association, citing figures from the Federal Criminal Police Office, said the number of refugees under the age of 14 who are missing is increasing, with 902 missing in October. *DW* reported the Association "said prevention efforts were undermined by the Federal Criminal Police Office's lack of data on why and how children went missing." https://www.dw.com/en/underage-refugees-in-germany-increasingly-going-missing/a-45871135?maca=en-newsletter_en_bulletin-2097-html-newsletter

<u>Guatemala.</u> Visas were denied to "about a dozen" of the personnel of the International Commission against Impunity in Guatemala (CICIG), *AP* reported. Among them is a lawyer working on the cases against the president's son and brother "over alleged falsification of documents to obtain government funds." For background, see *HRWG News* 2018-09. https://apnews.com/dcff72721cf348e2bd5fe96bff88b622

<u>Indonesia.</u> Persons running an alleged baby-selling ring in Surabaya were arrested, reported *UCA News.* "Police allege the illegal baby selling started in August after 'testimonies' and photos from both buyers and sellers were posted on the Instagram account, attracting over 600 followers." http://www.eurasiareview.com/12102018-indonesia-four-arrests-over-instagram-baby-selling-

ring/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+R_eview%29

<u>Iraq.</u> In an article on the Yazidis missing since the Islamic State's violent 2014 campaign against the Yazidi minority, the head of the Iraq program at the International Commission on Missing Persons told *Middle East Eye* that "part of the problem is that Iraq lacks a centralised system to address missing persons. Instead, multiple government agencies are working on this issue, often duplicating each other's work. 'Every effort to gather information is lost unless this is coordinated . . They will never identify the missing if they don't.'" https://www.middleeasteye.net/news/four-years-later-yazidis-are-still-waiting-bury-their-dead-1443312897

Israel. Prime Minister Netanyahu announced his intention to extend the secrecy of the information stored in security service archives from 70 to 90 years, including materials contained in the Shin Bet and Mossad archives, the archives of the Atomic Energy Commission, nuclear research centers, the Biological Institute, the Army Intelligence Division and "items related to certain units in the army and the Ministry of Security," the *Palestine News Network* reported, quoting *Haaretz*. Thanks to Lior Yavne for the information. http://english.pnn.ps/2018/10/04/netanyahu-bans-publication-of-archive-materials-on-deir-yassin-massacre/

Haaretz published an article exposing the attacks made by Ad Kan, a right-wing nongovernmental organization, against Akevot, a research institution focused on the Israeli-Palestinian conflict that has worked to expand the public's access to archives about the conflict. It reported that, based on Ad Kan's allegations, the Israeli Ambassador to Switzerland gave the Swiss Foreign Ministry "an unsigned document containing a request that the Swiss government stop funding Akevot." For background to the story, see Akevot's August analysis of the Ad Kan charges. https://www.akevot.org.il/wp-content/uploads/2018/08/2018-08-Ad-Kans-Smear-Campaign-Against-Akevot.pdf

Mexico. The General Archive of the Nation (AGN), the National Transparency Institute and the National Autonomous University (UNAM) declassified their documents on the 1968 student movement, telesur reported. The records include "photographs of marches and protests, lists of victims, fingerprints records, cartoons, propaganda, banners, police reports, interviews and activists' political profiles collected by the Political and Social Investigations Institute and the Federal Security Institute. However some of the items belong to other archives that have not been fully released yet due protection of 'sensitive information'." The director of UNAM and others demanded that the National Defense Secretary, Mexico's intelligence services, and the Presidential Guard also release their documents "and hand them over to the AGN." For background on the controversy over release of the records, see the nongovernmental National Security Archive's "Fifty Years after Tlatelolco, Censoring the Mexican Archives.' https://www.telesurtv.net/english/news/Mexicos-National-Archive-Discloses-Documents-on-1968-Movement-20181010-0039.html; https://nsarchive.gwu.edu/news/mexico/2018-10-02/fifty-years-after-tlatelolcocensoring-mexican-archives-mexicos-dirty-war-files-withdrawn-public;

The Interior Ministry unveiled its new National People Search System, announcing that 37,485 people have disappeared in Mexico, of which 340 have been declared dead. The Interior Minister said, "Surely the number of missing persons is much greater, but we had to rely on official data."

https://www.telesurtv.net/english/news/Mexico-Confirms-Number-of-Disappeared-Persons-at-37485-20181010-0011.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=9

Philippines. The Philippine Drug Enforcement Agency said police figures show "5,000 alleged drug addicts and pushers have been killed since President Rodrigo Duterte launched his anti-drug war two years ago" and about 158,424 "drug personalities" have been arrested, reported *Benar News*. The arrested include "more than 500 government officials and about 60 policemen and soldiers." Human Rights Watch and other nongovernmental organizations put the number of dead at around 12,000. President Duterte said he has a "list containing the names of politicians, judges, police and military officers who were allegedly involved in the drug trade. He has so far not explained how he came up with the list, but at least three mayors whose names appeared on it had been gunned down, including one who died in an alleged shootout in jail."

http://www.eurasiareview.com/25102018-philippines-death-toll-in-drug-war-almost-5000/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

<u>South Africa.</u> In late September the Nelson Mandela Foundation launched the digital archives of the 1964 Rivonia trial recordings (originals in the custody of the National

Archives). The Rivonia trial convicted Nelson Mandela and others of anti-state activities. https://citizen.co.za/news/south-africa/2014545/rivonia-trial-archives-go-digital-in-honour-ofmandela/

The Constitutional Court ruled that a platinum mining company who made "a deal with a tribal chief" to mine on land within the Bakgatla community may not evict the 13 black farm families there "whose ancestors bought the farm over a century ago but not get title deeds to it because of racist laws at the time." https://www.reuters.com/article/us-safrica-landrights/south-africas-top-court-ruling-curtails-power-of-chiefs-to-cut-mining-deals-idUSKCN1MZ1Y5

South Sudan. The United Nations Mission in South Sudan (UNMISS) and the Office of the United Nations High Commissioner for Human Rights reported on the situation in Western Equatoria region between April and August. They said 900 people were abducted, 24,000 forced to flee their homes, women and girls as young as 12 were abducted and raped, and young men and boys were abducted to join fighters. While the report says South Sudanese government troops harmed civilians, it focuses on the armed opposition. The report is based on 104 interviews with victims and eyewitnesses from 28 villages, some of whom "had recently escaped" from captivity by opposition forces. UNMISS also met with "local commanders and local state authorities" and "analyzed various materials, including photographic evidence and documents, to assess whether abuses and violations, including those that may to international crimes, were committed." https://apnews.com/b56f2486e0c04666ba678359c022ab60

https://www.ohchr.org/Documents/Countries/SS/ReportWesternEquatoria17Oct2018.pdf

Spain. A Madrid court found a doctor guilty of "stealing babies" but let him go free because "too much time had elapsed" since lnes Madrigal was "allegedly abducted in 1969," BBC reported. The stolen babies practice began in Franco's early years in power after the civil war (1936-1939) when "many children were removed from families identified by the fascist regime as Republicans and given to families considered more deserving." The cases have been difficult to trace, in part because "Spanish law did not require the biological mother's name on the birth certificate." A year ago the European Parliament's Committee on Petitions called on Spain to create a public DNA bank for identity checks, appoint a special prosecutor to investigate claims, and provide easier access to civil registries' records, hospital birth registers and church archives. www.bbc.co.uk/news/world-europe-45782359

Parliament approved a law to establish an Office for Reparations to "provide individual and collective reparations for aggrieved persons who have suffered violations of human rights or humanitarian law" during the civil war. The Office will need a strong records management program and clear instructions on what evidence be sufficient gain reparation. http://www.colombopage.com/archive_18B/Oct10_1539187952CH.php

After interviewing 110 persons "whose land was or is occupied by the military" and activists, local officials, and lawyers, Human Rights Watch called military occupation of public and private property "a cruel legacy of the nearly three-decade civil war" that ended in May 2009. "In some instances, the local civilian administration agrees that there are no reasonable grounds for continued occupation but have been unable to enforce reform because of obstruction by the military. In others, district officials assert that the civilians who lived or used the land lack legal titles or proof of ownership. Contested land ownership is not merely a legal and administrative issue but reflects a wider problem: a failure of Sri Lankan authorities to fully consider the consequences of the conflict for the country's many affected populations. During the war, normal land administration was suspended. In addition, the land documents of many families who were forcibly displaced were destroyed, damaged, or lost." https://www.hrw.org/report/2018/10/09/why-cant-we-go-home/military-occupation-land-sri-lanka

Syria. Human Rights Watch issued a news release saying the Syrian government "is unlawfully preventing displaced residents from former anti-government-held areas from returning to their properties." Satellite imagery made between May 2017 and October 2018 "showed that the government demolished houses." And despite government statements that returns to the city of Darayya are possible if you are on a list, register, and obtain a permission card, a woman who attempted to return in May 2018 said she was "blocked from visiting her properties" but she was allowed "to submit copies of her title deeds and the number of the property to demonstrate property ownership . but that municipality officials told her ownership would only be recognized after security clearance." https://www.hrw.org/news/2018/10/16/syria-residents-blocked-returning

The Syrian Justice and Accountability Centre published "Return is a Dream: Options for Post-Conflict Property Restitution in Syria," suggesting that the government establish a property restitution commission "that has the mandate and power to adjudicate property disputes and determine appropriate redress to individual victims." <a href="https://syriaaccountability.org/library/return-is-a-dream-options-for-post-conflict-property-restitution-in-syria/?utm_source=SJACW+eekly+Update&utm_campaign=227cae4f73-EMAIL_CAMPAIGN_2018_10_02_04_06&utm_medium=email&utm_term=0_0a7405c641-227cae4f73-90540617

The nongovernmental International Center for Transitional Justice issued an engaging report with illustrations: "Meet the Syria Artists who Cartoon for Change." One of the artists, Hani Abbas, said, "Art is the true history of people. It remains the same, while all the texts written by politicians and historians about wars will be questioned later on. . . . Therefore, artistic and literary works must be documented, just as war crimes records are kept." <a href="https://www.ictj.org/news/meet-syrian-artists-who-cartoon-change?utm_source=International+Center+for+Transitional+Justice+Newsletter&utm_campaign=d72147a19c-In+Focus+July+2018_COPY_02&utm_medium=email&utm_term=0_2d90950d4d-d72147a19c-237813513

Thailand. In late September the government "published a list of all its registered and licensed fishing vessels as well as a watch list of vessels prohibited from fishing, that have been sunk or damaged, or sold to neighboring countries, with the objective of tackling human rights abuse and illegal fishing," reported *Undercurrent News*. The Environmental Justice Foundation's executive director said, "Transparency is one of the best guards we have against illegal fishing and the associated human rights abuses." https://www.undercurrentnews.com/2018/09/25/thailand-publishes-list-of-fishing-vessels-to-tackle-human-rights-abuse/

<u>Tunisia.</u> The UN Special Rapporteur on the rights to freedom of peaceful assembly and association said he "deeply regrets" a law adopted on October 2 "establishing a National Registry for Enterprises which aims at combating money laundering and counter terrorism but that creates additional requirements that would limit the capacity of associations to operate and continue contributing in this period of transition." https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23680&LangID=E

The Guardian surveyed "almost 200 detainees held in seven deportation centres in England as of 31 August" and found "almost 56% were defined as an 'adult at risk'" who is "only supposed to be detained in extreme cases." (Adults at risk are defined as "being victims of torture, having suicidal thoughts or being unwell.") In a second article, the Guardian said a freedom of information response from the Home Office "acknowledged that suicide attempts in detention centres had jumped more than 20% in recent months, with almost two a day on average through the summer period." The Home Office will have the prisons and probation ombudsman "carry out an independent and far-reaching inquiry into alleged abusive treatment of centres." held immigrants in UK detention https://www.theguardian.com/uknews/2018/oct/10/revealed-sick-tortured-immigrants-locked-up-for-months-in-

britain?utm_term=R3VhcmRpYW4gVG9kYXkgVUstMTgxMDEx&utm_source=esp&utm_medium=Email&utm_campaign=GuardianTodayUK&CMP=GTUK_email; https://www.theguardian.com/uk-news/2018/oct/11/home-office-agrees-

Since 1 April 2017 police forces in Britain have been required to keep a detailed record of each time an officer used force and to publish the information quarterly. The *Guardian* reported that August statistics show that London's police force used force 270 times a day on average, and "on 39% of occasions . . it was used on black people, who constitute approximately 13% of London's population." The *Guardian* used the freedom of information process and got data from 28 police forces that show that between 1 April 2017 and 1 August 2018, when "police officers in the UK were called to hospitals and other mental healthcare facilities" they used a stun gun 96 times. <a href="https://www.theguardian.com/world/2018/oct/01/police-stun-guns-mentally-ill-patients-health-uk?utm_term=R3VhcmRpYW4gVG9kYXkgVUstMTgxMDAy&utm_source=esp&utm_medium=Email&utm_campaign=Guardian+Today++Collection&CMP=GT_collection; <a href="https://www.theguardian.com/uk-news/2018/oct/08/met-polices-use-of-force-jumps-79-in-one-year?utm_term=R3VhcmRpYW4gVG9kYXkgVUstMTgxMDA5&utm_source=esp&utm_medium=Email&utm_campaign=GuardianTodayUK&CMP=GTUK_email

Two nongovernmental organizations and the London School of Economics released a report on "the unequal enforcement of drug laws [which] is a source of profound racial injustice." The team noted, "Black people were stopped and searched at more than eight times the rate of whites in 2016/17. Asian people and those in the 'mixed' group were stopped and searched at more than twice the rate of whites." The report includes a detailed "methodological appendix" explaining the sources of data used. https://www.release.org.uk/publications/ColourOfInjustice

<u>United States.</u> In an editorial, the *New York Times* called on the U.S. Court of Appeals to unseal the grand jury records relating to the last mass lynching: the murder of two African-American couples by a mob in 1946, an atrocity known as the Moore's Ford Bridge lynching. The records are in the National Archives. https://www.nytimes.com/2018/10/07/opinion/truth-mass-lynching.html

Customs and Border Protection (CBP)'s Office of Human Resource Management and its Office of Professional Responsibility released reports covering the years 2016 and 2017. Of the more than 60,000 people employed by CBP, more than 500 were charged with drug trafficking, accepting bribes and a range of other crimes over the two-year period, the New York Times reported. "Customs and Border Protection has been accused of using excessive force against migrants. In 2017, the reports showed, the agency opened 252 cases involving use of force by border agents, down from 338 in 2016." The Associated Press reported that Department of Homeland Security probes "rarely abuse claims" reported it. https://www.nytimes.com/2018/10/12/us/politics/border-agency-employees-arrested.html https://inhomelandsecurity.com/dhs-rarely-urges-action-against-agents-accused-of-abusing-immigrants-advocatessay/

The Office of Inspector General (OIG) of DHS released a special report, "Initial Observations regarding Family Separation Issues under the Zero Tolerance Policy." Noting that "absent 'exceptional circumstances' the law generally permits CBP to hold unaccompanied alien children in its custody for up to 72 hours before transferring them to the HHS [Health and Human Services] Office of Refugee Resettlement," OIG reported that "Border Patrol's data shows that the Rio Grande Valley sector exceeded the 72-hour time period for at least 564 children (44 percent of children detained during this time)" and data from the "El Paso sector exceeded the 72-hour period for 297 children (nearly 40 percent of children)." These numbers may not be accurate: "the lack of integration between CBP's, ICE [Immigration and Customs Enforcement]'s, and HHS's respective information technology systems hindered efforts to identify, track, and reunify parents and children separated under the Zero Tolerance Policy. As a result, DHS has struggled to provide accurate, complete, reliable data on family

separations and reunifications, raising concerns about the accuracy of its reporting." https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf

The American Civil Liberties Union sued the Federal government in February 2018 over the family separations; the judge ordered the children be reunited with the parents. Subsequently the judge ordered the parties to make an October 15 joint status report on the progress of reunifications based on data from both parties; see https://www.aclu.org/sites/default/files/field_document/2018-10-15_status_report_joint_dckt_281_0.pdf

Air pollution in the U.S. has decreased since 1990. Researchers matched "concentrations of two pollutants" in the air "from a 21-year computer simulation of air pollution across the U.S." with data from the Centers for Disease Control and Prevention on causes of death in geographical areas. They found "deaths related to air pollution were nearly halved between 1990 and 2010," *Eurasia Review* reported.

http://www.eurasiareview.com/21102018-us-air-pollution-deaths-nearly-halved-between-1990-and-2010/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Using data from the American Community Survey of the U.S. Census Bureau, a research team from two university medical centers found that after the Affordable Care Act went into effect in 2010, the percentage of uninsured noncitizens decreased from 70 percent in 2010 to 54 percent in 2015. https://drexel.edu/now/archive/2018/October/Medicaid-Expansion-Immigrants/

The Social Security Administration and the National Institute on Aging sponsor a long-running retirement survey. Two economists studied the data from "about 20,000 of the survey's respondents, born between 1905 and 1964, [who] provided their DNA along with their responses, which allowed the economists to attach genetic scores to individuals' academic and economic achievements," the *Washington Post* reported. They found that "genetic endowments are distributed almost equally among children in low-income and high-income families," but economic success is concentrated among high-income families. http://www2.philly.com/philly/business/its-better-to-be-born-rich-than-talented-20181009.html

The Board for the Certification of Genealogists (BCG) approved five modified and seven new standards relating to the use of DNA evidence in genealogical work. BCG also updated the "Genealogist's Code" to address the protection of people who provide DNA samples. https://bcgcertification.org/standards-for-dna-evidence/

<u>Zimbabwe.</u> The Commission of Inquiry into the August 1 post-election violence began public hearings, *The Herald* reported. https://www.herald.co.zw/post-poll-violence-hearings-begin-witnesses-nail-mdc-alliance-supporters-for-destroying-property/

<u>Publications.</u> Swisspeace is relaunching the "Archives and Dealing with the Past List-serv." Subscribe here: https://lists.archivesdwp.org/mailman/listinfo/adwp-l.

<u>Good reads.</u> A "Tactical Mapping Tool" from New Tactics in Human Rights, a program of the Center for Victims of Torture: https://tmt.newtactics.org/

From the Open Society Justice Initiative: "Options for Justice: A Handbook for Designing Accountability Mechanisms for Grave Crimes": https://www.opensocietyfoundations.org/reports/options-justice-handbook-designing-accountability-mechanisms-grave-crimes

Archivist Gabrielle Nishiguchi's blog post: "From the story of Japanese Canadian Redress we can learn how records held by Library and Archives Canada (LAC)—combined with crucial citizen activism making use of these records—have contributed

to holding the federal government accountable for now universally condemned actions." https://thediscoverblog.com/2018/10/02/how-archives-can-protect-human-rights/

On UNICEF, artificial intelligence, big data and children: $\frac{\text{https://www.forbes.com/sites/lorinfries/2018/09/30/coming-of-age-emerging-technologies-and-the-worlds-children/#406176e54daf}$

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