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### Commentary.

Coupable. Culpable. Guilty. Courts in May used those words in a series of high profile cases watched around the world.

At the Extraordinary African Chambers in Dakar, Senegal, Hissene Habre, the former dictator of Chad, was found guilty of crimes against humanity, summary execution, torture and rape and sentenced to life in prison. <https://www.theguardian.com/world/2016/may/30/chad-hissene-habre-guilty-crimes-against-humanity-senegal> At the controversial International Crimes Tribunal in Dhaka, Bangladesh, five men were found guilty of crimes against humanity during Bangladesh's independence war in 1971. Four were sentenced to death and one to life in prison; all have the right to appeal to the Supreme Court of Bangladesh.

[http://www.ict-bd.org/ict1/Judgment%20part%202/ICT%2001%20of%202015%20\(Judgment\).pdf](http://www.ict-bd.org/ict1/Judgment%20part%202/ICT%2001%20of%202015%20(Judgment).pdf) And in a landmark trial in Buenos Aires, Argentina, after three years of proceedings, 14 former military officers (13 from Argentina and one from Uruguay) were convicted of kidnappings, torture and killings during Operation Condor, a South American state conspiracy to kill opponents during the era of military dictatorships in the 1970s and 1980s. All were sentenced to prison terms; two other defendants were found not guilty, and one defendant was convicted on "charges separate from the larger case," according to the *New York Times*.

<http://www.nytimes.com/2016/05/29/world/americas/argentine-court-confirms-a-deadly-legacy-of-dictatorships.html?smid=tw-share&r=0>

Now what happens to the records of these historically significant trials? The Argentina situation is surely the easiest. Argentina has an old, well-established archives system, with an archives for the court, a departmental archives for the justice ministry, and a general national archives. Because the trial was conducted under the regular procedures of Argentina, the records of the trial should follow the regular pattern for the records of the court and the prosecutors and investigators, even though the sheer size of the records will surely strain the existing arrangements.

Bangladesh is more complicated. The Tribunal is established as a unique institution separate from the state court system, with a three-member judicial panel, its own prosecution team, Investigation Agency, and registry. Appeals can be made to the supreme court. Bangladesh does not have an archives law (the national archives is established by regulation), so it is not clear whether the records of the proceedings in front of the Tribunal or the records of the prosecution, investigation, and registry fall within its competency. If not, it is also not clear whether the body responsible for preserving regular court proceedings is prepared to take on the task. And there is a further complication: the violently unsettled state of Bangladesh's political environment and the great controversy surrounding the Tribunal's proceedings put the preservation of the records at risk, both of future disappearance or of future selective and biased use.

The Extraordinary African Chambers were established by the African Union, an intergovernmental organization, "within the courts of the Republic of Senegal," one of its member states. It had an investigative chamber, an indicting chamber, a trial chamber, and an appeals chamber, the latter three all related to the Dakar Court of Appeals. In addition, there was the office of the prosecutor (which seems to contain the investigators as well), a registry, and an administrator whose tasks included public outreach. Unusually, the Chambers also was to manage a trust fund for victims. The proceedings were "filmed and recorded," and at the end of the trial, according to Article 37, paragraph 2 of the Statute creating the Chambers, "Once the Extraordinary African Chambers have been dissolved, all records and case files shall be archived with the Registry of the Court of Appeal of Dakar." Senegal has a long archival tradition and a

respected archives school located in Dakar. Still, the great variety of records—paper, audiovisual and electronic, from prosecutors and investigators as well as witness protection and the trust fund for victims—is far beyond what a usual court registry would handle. Furthermore, the records will be far from the people of Chad, to whose historical legacy they pertain.

So yes, the month of May saw important results in important cases relating to human rights. These cases created huge archival legacies, important to the countries involved but also to the history of our world. Preserving and protecting them must be a priority for the international community and the nations involved. How will we respond?

**News of the Human Rights Working Group.** The Technical Report that accompanies the *Principles of Access to Archives* discusses the need to redact sensitive information from items before making them available for research. To avoid “reverse engineering” (that is, using computer technology to uncover what has been redacted) when the item is digital, some archives print, redact on paper, and then scan the redacted item back into the electronic file. Ultimately, with the volume of “born digital” records coming into archives, this practice will be impossible to sustain. If you and your institution are using a redaction process for born digital materials that (a) does not use a paper step and (b) which you believe will resist attempts to “reverse engineer” the item, we ask you to volunteer to write an addition to the Technical Report, describing your process and the tool(s) that you use.

### **International news.**

**European Commission.** In an agreement between the Commission and Google, Microsoft, Twitter and Facebook, the companies “said they will remove posts containing hate speech within 24 hours.” When the companies receive notifications “flagging hate speech,” they will “remove or block access to the posts within the EU, regardless of whether they are posted in Europe or somewhere else,” reported *EurActiv*. <http://www.euractiv.com/section/justice-home-affairs/news/google-microsoft-twitter-and-facebook-agree-to-remove-hate-speech-online/>

*Thomson Reuters* offers a database called World-Check that it says is designed to help institutions “screen for heightened risk individuals and entities globally to help uncover hidden risks in business relationships and human networks.” *VICE News* reported that this private database is “widely used by British police, intelligence, and the charity regulator” as well as “49 of the 50 top global banks.” Two members of the European Parliament have asked the European Commission “to ensure that innocent individuals and organizations were not profiled as having links to terrorism ‘by the World Check database and similar initiatives’” and to determine whether the use of the database by any EU institution “was in line with the EU Charter of Fundamental Rights and data protection legislation.” <https://risk.thomsonreuters.com/products/world-check>; <https://news.vice.com/article/exclusive-uk-government-and-police-are-getting-information-from-shadowy-terrorism-database>

**European Union.** On April 27 the European Parliament and the Council of the European Union adopted the long-discussed Regulation (EU) 2016/679 “on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.” [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2016.119.01.0001.01.ENG&toc=OJ:L:2016:119:FULL](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG&toc=OJ:L:2016:119:FULL)

**International Criminal Tribunal for the former Yugoslavia (ICTY).** The *International Justice Tribune* published an essay, “Inaccessibility of ICTY’s record could endanger its legacy.” It focuses on the records of the courtroom proceedings, not the full scope of the records of the prosecutor, the investigators, and the administration of the Tribunal itself. After noting that a recent petition signed by 263 scholars proposed improvement in the accessibility of the court records, the essayist concluded, “Most people were expecting that the judgments would speak for themselves. Now we know better.” And we must also know that the judgments made before the case gets to the court—who to charge and what to charge—is at least as important as what happened in the courtroom, and that must be preserved and made accessible, too. <https://www.justicetribune.com/articles/inaccessibility-ictys-records-could-endanger-its-legacy>

Interpol. *Eurasia Review* reported that between 28 March and 8 April an “INTERPOL-facilitated border operation . . . targeted international fugitives attempting to travel across Association of Southeast Asian Nations countries.” The ten ASEAN countries “screened passports at 30 land, air and sea border points against INTERPOL’s global databases. Some five million searches were conducted during the operation, resulting in seven arrests and almost 100 ‘hits’ - including 71 on passports recorded” as stolen and “seven people who were internationally wanted were located, as well as two individuals targeted by United Nations Security Council sanctions.” [http://www.eurasiareview.com/15052016-interpol-border-operation-in-southeast-asia-targets-terror-suspects/?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29](http://www.eurasiareview.com/15052016-interpol-border-operation-in-southeast-asia-targets-terror-suspects/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29)

United Nations. At a special session of the World Humanitarian Summit on 23 May, a “Charter on Inclusion of Persons with Disabilities in Humanitarian Action” was signed by 96 participants, including representatives of States, United Nations organizations, non-governmental organizations, and a representative of the International Red Cross and Red Crescent Movement. It “remains open for signature,” reported *Thomson Reuters Foundation*, and is “accompanied by an action plan to implement the charter.” The Charter was “launched by Handicap International and several partner organizations,” but it is not clear what archives will hold the record of the signatories. <http://news.trust.org/item/20160525095817-fsr02/>

UNESCO World Heritage. On 2 May DigitalGlobe satellite imagery showed the “construction of a military base within the protected zone of the UNESCO World Heritage Site” at Palmyra, Syria, and on 8 May showed “the Palace of Sennacherib (Southwest Palace) at Nineveh has been completely dismantled,” reported ASOR Cultural Heritage Initiatives. And on 13 May the non-governmental Syrian organization The Day After reported that Qal’at Se’man (the Church of Saint Symeon Stylites) was damaged in an airstrike. <https://www.facebook.com/CulturalHeritageInitiatives/posts/359567507500415>; <https://www.facebook.com/CulturalHeritageInitiatives/posts/358854640905035>; <https://medium.com/@AreYouSyrious/ays-report-unesco-world-heritage-site-of-qalat-se-man-destroyed-in-a-russian-airstrike-c2ea4d36b8f3#2xyq4y5p9>

United Nations High Commissioner for Human Rights. The High Commissioner said he had “received a succession of alarming reports about violations allegedly committed by Turkish military and security forces in south-east Turkey over the past few months,” pointing to the importance of the records of the High Commissioner in future accountability proceedings of any kind. The *Washington Post* reported that Human Rights Watch posted a video “that purports to show the bodies of Syrian refugees killed by Turkish forces at the border,” which a Turkish official said the government was “unable to verify.” <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=19937&LangID=E>; [https://www.washingtonpost.com/world/middle-east/turkey-under-fire-from-un-for-alarming-reports-of-rights-abuses/2016/05/10/0f9ecb7-45cd-4685-9483-181fdfd2cadf\\_story.html](https://www.washingtonpost.com/world/middle-east/turkey-under-fire-from-un-for-alarming-reports-of-rights-abuses/2016/05/10/0f9ecb7-45cd-4685-9483-181fdfd2cadf_story.html)

The High Commissioner issued a strong report, “Improving accountability and access to remedy for victims of business-related human rights abuse.” The report provides “guidance to improve accountability and access to remedy” for victims. It includes “‘policy objectives’ for domestic and legal responses, supported by a series of elements intended to demonstrate the different ways in which States can work towards meeting those objectives in practice.” The ICA Human Rights Working Group is actively considering what steps it and ICA as a whole might take to support the archives of businesses to ensure that human rights issues are considered in their retention and access policies. This report is essential reading for all business archivists. [http://business-humanrights.org/sites/default/files/documents/A\\_HRC\\_32\\_19\\_AEV.pdf](http://business-humanrights.org/sites/default/files/documents/A_HRC_32_19_AEV.pdf)

World Health Organization (WHO). WHO released an “updated WHO global database of air pollution for cities and smaller human settlements across the world,” the *Washington Post* reported. WHO said that 80% of persons living in cities and towns where air quality is monitored “are breathing air containing fine particulates at concentrations higher than the WHO’s recommended level.” The *Post* quoted a study from last September that concluded that “poor air quality contributes to more than 3 million premature deaths around the globe each year.” <http://www.standard.net/Business/2016/05/12/Air-pollution-getting-worse-in-world-s-cities-WHO-reports>

## World/general news.

Biometric data. The U.S. Department of Defense issued an updated manual on its procedures for collecting

biometric data, *Secrecy News* reported. The military collects “facial images, fingerprints, iris images, deoxyribonucleic acid (DNA) samples, palm prints, voice samples and associated contextual data (i.e. elements of biographic data and situational information) from individuals encountered during operations” and stores them in “multiple databases, including the Biometric Identity Intelligence Resource, or BI2R” that is “designed to provide the DOD, intelligence community, and coalition communities with authoritative, high-pedigree, biometrically base-lined identities, and advanced tools and technologies necessary to analyze, collaborate, produce, disseminate, and share biometric identity intelligence.” Given the enormous variety of nationalities “encountered during operations,” it would be interesting to know the archival appraisal of this data base. <http://fas.org/blogs/secrecy/2016/05/dod-biometric/>

**Business records.** The United Nations’ Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights, which was established by the UN Human Rights Council to “elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises,” will meet in late October. The Treaty Alliance, a global network of civil society groups that advocate for a binding treaty on business and human rights, urges the Working Group to develop a treaty containing “strong provisions that prohibit the interference of corporations in the process of forming and implementing laws and policies, as well as administering justice, at all national and international levels.” FIDH, a federation of 178 non-governmental human rights organizations in 120 countries, issued an updated manual with similar aims: “Corporate Accountability for Human Rights Abuses: A Guide for Victims and NGOs on Recourse Mechanisms.” Well-preserved, professionally managed corporate archives are crucial to achieving the goals of the Working Group, FIDH and the Alliance. <https://www.fidh.org/en/issues/globalisation-human-rights/business-and-human-rights/updated-version-corporate-accountability-for-human-rights-abuses-a#>; <http://static1.squarespace.com/static/53da9e43e4b07d85121c5448/t/57354276746fb9f00f573dae/1463108241728/UN+Treaty+Must+Address+Corporate+Capture+FINAL+ENG.pdf>

Sixteen Sudanese victims of abuses by Sudan’s government filed suit in the United States against BNP Paribas, reported *Courthouse News Service*. In a previous lawsuit BNP Paribas admitted that it violated the U.S. sanctions against Sudan, Cuba and Iran and was sentenced to pay nearly \$9 billion for dealing with “rogue nations.” However, none of the money from this fine was available to compensate individuals, due to a law passed by the U.S. Congress in the wake of the case. Consequently, the Sudanese refugees in the new case have sued for compensation, asserting that BNP Paribas “was fully aware that Sudan intended to use” the funds BNP provided “to finance widespread ethnic cleansing of its black civilian population.” <http://www.courthousenews.com/2016/05/03/refugees-blame-bnp-paribas-for-genocide.htm> ; for an explanation of the U.S. prohibition, see <http://usvbnpp.com/>

The South Gauteng High Court in Johannesburg, South Africa, accepted a class action suit—“the first class action in South African history for sick workers”—by present and former gold mine workers who suffer from silicosis or tuberculosis and the dependents of deceased miners who died from those diseases, reported *GlobeNewswire*. Thirty gold mining companies that owned or operated 82 different gold mines from 1965 to the present are the defendants. The case alleges that the firms “knew of the dangers posed to miners by silica dust for more than a century” and they “failed to protect miners from silica dust and failed to use worker safety procedures used in mining elsewhere in the world during the Apartheid years and up until recent times.” Archives in the 30 mining companies will be important evidence. <http://www.4-traders.com/GOLD-FIELDS-LIMITED-1413362/news/Gold-Fields-Hausfeld-Announces-Class-Action-Certified-for-South-African-Gold-Miners-in-Landmark-Ca-22359940/>

**Medical records.** The issue of privacy in research data on health and the environment “raises a host of ethical, scientific, and process questions” according to a new publication of the U.S. Health and Medicine Division of the U.S. National Academies of Science. “Experts . . . agree that there are benefits to sharing research data, but questions remain regarding how to effectively make these data available.” <http://www.nap.edu/read/21703/chapter/1>

An essay published by *Privacy Tech* suggests five steps as a “de-identification protocol for open data,” but concludes that in some cases “the conditions for creating a public data [set] cannot be met” and other controlled access regimes may have to be put in place. <https://iapp.org/news/a/a-de-identification-protocol-for-open-data/>

*ProPublica* reported that its database detailing the “prescribing habits of hundreds of thousands of doctors across the country,” designed to be used to identify over-prescription of painkillers, has had the unintended consequence of allowing users to search for doctors who freely prescribe opioid painkillers “with few or no questions asked.” It is “adding a warning to the pages of all narcotic drugs that reminds readers of the serious health risks posed by taking opioids for pain relief.” [https://www.propublica.org/article/an-unintended-side-effect-of-transparency?utm\\_source=pardot&utm\\_medium=email&utm\\_campaign=dailynewsletter](https://www.propublica.org/article/an-unintended-side-effect-of-transparency?utm_source=pardot&utm_medium=email&utm_campaign=dailynewsletter)

Medical statistics are an important records for developing better health programs. *Thomson Reuters Foundation* covered two stories on this, from an international conference on women’s rights and health. One article quoted the head of the child rights organization Plan International saying that an “estimated 70,000 girls aged 10 to 19 die from birth related-complications every year” and “over 2 million girls under the age of 15 become mothers each year, but the number is uncertain as official data tends to only track births of women aged 15 to 49 even though girls can get pregnant from age 11 or so onwards.” She announced that “in a bid to hold governments to account,” Plan International and partners “will use existing and new quantitative and qualitative data” in order to “identify where action needs to be taken.” In the second story, Melinda Gates, co-chair of the Bill and Melinda Gates Foundation, announced an \$80 million, three-year initiative to boost such collection. <http://news.trust.org/item/20160518120304-6cew1/>; <http://news.trust.org/item/20160517173319-j0c4s/>

In a data-sharing agreement with the U.K.’s National Health Service (NHS), “Google has been given access to an estimated 1.6 million NHS patient records” from the past five years and continuing until 2017 from London’s Royal Free, Barnet and Chase Farm hospitals to “develop an app . . . that will alert doctors when someone is at risk of developing acute kidney injury,” reported *BBC News*. “Critics have questioned why it needs the data of all patients to create such a specific app.” <http://www.bbc.com/news/technology-36191546>

The Wellcome Library published an article on its blog by the archivist who worked at Medecins Sans Frontieres (MSF) in Brussels as the leader of a three person team collecting digital records on the MSF response to the Ebola epidemic and making them accessible. <http://blog.wellcomelibrary.org/2016/05/the-ebola-review-archive-team-at-medecins-sans-frontieres/>

**Torture.** In response to a Freedom of Information request from *VICE News*, the U.S. Department of Defense (DOD) released a “heavily redacted” 10 page report by its Inspector General on the transfer of persons detained by the U.S. military to countries other than the United States. The February 2012 report recommended that the DOD issue an “express statement” saying that persons would not be transferred “to a foreign entity where it is more likely than not that the person will be tortured,” a policy DOD adopted in 2014. The report says that DOD transferred 1,064 detainees who were held in Afghanistan, Iraq and Guantanamo between August 2010 and August 2011; the detainees from Afghanistan and Iraq were sent to those countries, while the Guantanamo detainees were sent to Germany and Algeria. Amnesty International said it asked the White House for “the declassification and disclosure of the IG reports” on the transfer program because “there’s no way to assess this administration’s record about transfers because we don’t have the reports.” <https://news.vice.com/article/united-states-detainee-transfer-torture-dod-report>

## **Bilateral and multilateral news.**

**Bosnia/Serbia.** The Belgrade-based Humanitarian Law Centre and the Ilijas, Bosnia, Association of Family Members of Missing Persons filed a criminal complaint with the Serbian War Crimes Prosecutor “accusing former Bosnian Serb official Ratko Adzic of crimes against humanity and war crimes against non-Serbs in Ilijas in 1992,” reported *BIRN*. Adzic, who at the time was a retired teacher from Belgrade, was commander of the Serb security forces in the Ilijas area from 1991 onwards. The complaint includes “more than 50 pieces of evidence, including statements from survivors and eyewitnesses, official documents from the so-called Serb Municipality of Ilijas and its Crisis Staff, and Adzic’s testimony” at the International Criminal Tribunal for the Former Yugoslavia, where three trials included evidence about the attacks in Ilijas. [http://www.balkaninsight.com/en/article/complaint-filed-against-ex-bosnian-serb-official-for-bosnian-war-crimes-05-30-2016?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm\\_campaign=7eefe3c221-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_a1d9e93e97-7eefe3c221-319755321](http://www.balkaninsight.com/en/article/complaint-filed-against-ex-bosnian-serb-official-for-bosnian-war-crimes-05-30-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=7eefe3c221-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-7eefe3c221-319755321)

Germany/Netherlands. “The Foundation for Research on War Crimes is considering a lawsuit against the National Archives [of the Netherlands] in an attempt to force the archives to provide information on Dutch who worked as guards for the SS in the Vught concentration camp during World War II,” reported *Trouw* and *NL Times*. Vught was established in southern Holland in 1942 by the occupying Nazi forces.  
<http://www.nltimes.nl/2016/05/03/lawsuit-demands-national-archives-open-hunt-dutch-war-criminals/>

Ireland/United Kingdom. The Irish minister of foreign affairs said Ireland’s government is demanding that the U.K. government open “the original police and security papers” about the Dublin-Monaghan bombings in 1974 which killed 33 people, reported the *Belfast Telegraph*. The U.K. government “said it was examining if it could give ‘any further assurance’ on the issue of files being opened.”  
<http://www.belfasttelegraph.co.uk/news/northern-ireland/irish-government-to-press-british-for-dublinmonaghan-bombings-files-34722181.html>

Kosovo/Serbia. The documentary film *The Unidentified* was shown at a Belgrade film festival. *BIRN*, which produced the film, wrote that it “names the officers who ordered attacks on Kosovo villages around the town of Pec/Peja in 1999 and those involved in the cover-up operation to hide the victims’ bodies.” One of the directors told the festival audience that “the key problems the film-makers faced was convincing eye-witnesses to speak on camera and obtaining documents about the war years from Serbian institutions.”  
[http://www.balkaninsight.com/en/article/birn-s-kosovo-war-film-screens-in-belgrade-05-16-2016?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm\\_campaign=f465f962a5-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_a1d9e93e97-f465f962a5-319755321](http://www.balkaninsight.com/en/article/birn-s-kosovo-war-film-screens-in-belgrade-05-16-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=f465f962a5-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-f465f962a5-319755321)

North Korea/Poland. According to *VICE News*, North Koreans are “working in conditions of forced labor in Poland, with their wages funding the DPRK [North Korean] regime.” *VICE* began an investigation after seeing the official accident report on a North Korean welder at a shipyard in the Gdansk region who died from burns. The reporters “gained access to confidential documents such as service contracts, payment records, registers of persons, passport copies, and excerpts from a population register smuggled out of North Korea.” <https://news.vice.com/article/cash-for-kim-how-north-koreans-are-working-themselves-to-death-in-europe>

Russia/Ukraine. Nadezhda Savchenko, the Ukrainian military officer who was captured by Russian troops during the conflict in eastern Ukraine and sentenced to 22 years for murder, was released in an exchange of prisoners. For background on the documentary elements of the case, see *HRWG News* 2016-03.  
<https://www.theguardian.com/world/2016/may/25/ukrainian-pilot-nadiya-savchenko-released-by-russia-in-prisoner-swap-deal>

The chief executive of the Federation Global Initiative on Psychiatry wrote an opinion piece for *Euromaidan Press* titled, “How public should the Soviet KGB archives be?” After citing instances where secret police files were made available to third parties, he concluded, “Yes, the KGB, Stasi and similar secret agencies destroyed many lives. But they also destroyed many lives of those who were made to work for them, and we should not destroy more lives by opening archives without proper consideration.”  
<http://euromaidanpress.com/2016/05/18/how-public-should-the-soviet-kgb-archives-be/>

Saudi Arabia/United States. The *Washington Post* published a commentary by Bob Graham, a former U.S. senator who was the co-chair of the Congressional committee that investigated the terrorist attacks of September 11, 2001. Graham called for the release of the 28 pages of the inquiry’s report that are still classified. He quoted the director of the Central Intelligence Agency as arguing against the release by saying, “I think some people may seize upon that uncorroborated, unvetted information that was in there that was basically just a collation of this information that came out of FBI files, and to point to Saudi involvement, which I think would be very, very inaccurate.” Graham called this argument “an affront not only to the American public in general but also to all those who lost family members, loved ones and friends.” [http://article.wn.com/view/2016/05/12/Its\\_time\\_we\\_release\\_the\\_uncensored\\_truth\\_about\\_the\\_9\\_11\\_atta/](http://article.wn.com/view/2016/05/12/Its_time_we_release_the_uncensored_truth_about_the_9_11_atta/)

Syria/United States. The U.S. Congress passed the Protect and Preserve International Cultural Property Act “to protect and preserve international cultural property at risk due to political instability, armed conflict, or natural or other disasters, and for other purposes,” including emergency protection for Syrian cultural property. It establishes an interagency coordinating committee to “coordinate core United States interests” in “(A) protecting and preserving international cultural property; (B) preventing and disrupting looting and illegal trade and trafficking in international cultural property, particularly exchanges that

provide revenue to terrorist and criminal organizations; (C) protecting sites of cultural and archaeological significance; and (D) providing for the lawful exchange of international cultural property.” Archives should be part of this coordinating body and its external advisers. For the law, see <http://uscbs.org/news/wp-content/uploads/2016/04/BILLS-114hr1493eas.pdf>

## **National news.**

**Bosnia.** The European Union urged Bosnia to publish by July the results of the October 2013 census as “a crucial step towards EU integration,” reported *EurActiv*. The census is controversial, with Serb and Bosniak representatives in the national statistics bureau failing “to agree on how to count non-resident citizens, which could eventually influence the number of members of their communities. Bosnian Serbs object to including people who fled the country during the 1992-1995 war.” Bosnian Serb leaders warned that they will not accept the counting “methodology” that is “in line with EU standards.” <http://www.euractiv.com/section/enlargement/news/eu-urges-bosnia-to-publish-census-results/>

The Basic Court in Prijedor, in the Republika Srpska entity of Bosnia, destroyed an investigation file on the murders of five members of a Croat family in 1992 because a sentence in the case had not been passed for ten years. An official from the Archive of the Republika Srpska said, “Investigative cases cannot be classified as worthless due to the simple reason that they have not been completed.” Lawyers *BIRN* interviewed said that the file on a serious murder case should not have been destroyed, but added that “they have had similar experiences with the destruction of evidence by other courts as well.”

[http://www.balkaninsight.com/en/article/a-file-from-a-war-crime-investigation-destroyed-05-05-2016?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm\\_campaign=e4e6d5eb57-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_a1d9e93e97-e4e6d5eb57-319755321](http://www.balkaninsight.com/en/article/a-file-from-a-war-crime-investigation-destroyed-05-05-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=e4e6d5eb57-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-e4e6d5eb57-319755321)

**Brazil.** The director of the nongovernmental U.S.-based Earth Innovation Institute, who has “30 years of experience tracking Amazon deforestation,” told *Thomson Reuters Foundation* “Brazil should speed up its programme to grant small farmers formal land ownership to slow down the rate of logging and deforestation.” He explained that “small producers would be more inclined to adopt environmentally friendly farming methods if they were given formal tenure or ownership” because this “would help them gain access to credit markets, encouraging long term investment in the assets.” <http://www.businessinsider.com/land-titles-for-farmers-help-cut-brazils-forest-loss-scientist-2016-5>

**Canada.** Although Library and Archives Canada and the National Centre for Truth and Reconciliation signed an agreement to “ensure the preservation of, and public access to, the records of the Truth and Reconciliation Commission (TRC) on residential schools,” TRC Commissioner Murray Sinclair said he continues to be worried about the preservation of other records relating to the schools. According to the *National Observer*, Sinclair said at a ceremony on the right to information, “More and more of the documents that were created around the residential school settlement agreement and around residential schools, continue to be in the possession of churches across the ocean and archives that are not available to Canadian law.” He also argued that the records of the independent adjudication process “should be” available to the TRC and with the TRC archives. For background see *HRWG News* 2016-04.

<http://news.gc.ca/web/article-en.do?nid=1079179>; <http://www.nationalobserver.com/2016/05/25/news/senator-worried-about-destruction-residential-school-abuse-evidence>

**Colombia.** Colombia’s attorney general announced that his office is investigating “five top leaders from the country’s ELN guerilla group for nearly 16,000 war crimes and crimes against humanity,” *Reuters* reported. Managing that many charges, with the supporting documentation, will require substantial records management support. <http://news.trust.org/item/20160512005447-lj2ybl/>

**Ethiopia.** Human Rights Watch reported that the government charged the head of public relations for the opposition party with “planning, preparation, conspiracy, incitement and attempt” of a terrorist act based on his Facebook posts, and 20 university students were charged “under the criminal code for protesting in front of the United States Embassy” based on the “evidence” of a video of the protest and their list of demands “which included the immediate release of opposition leaders and others arrested for peaceful

protests, and the establishment of an independent body to investigate and prosecute those who killed and injured peaceful protesters.” <https://www.hrw.org/news/2016/05/09/dispatches-using-courts-crush-dissent-ethiopia>

Germany. Following a study commissioned by Germany’s Anti-Discrimination Agency, the German government announced that it would introduce legislation to overturn the convictions for homosexuality of over 50,000 men that were ordered from 1949 to 1994 (homosexuality was banned in the 19<sup>th</sup> century; the Nazi regime made all male homosexuality a crime, a law that was not revoked completely until 1994). “There will also likely be financial compensation for the victims,” reported *Deutsche Welle*, but how a claim might be made and how compensation would be processed was not announced. <http://www.dw.com/en/germany-set-to-annul-historical-convictions-of-gay-men/a-19250712>

Haiti. Following the controversial presidential election in late 2015, Haiti’s interim president created a five-member commission to evaluate the vote. The panel’s report in May 2016 recommended that the previous results be discarded and a new election held. The commission audited 25 percent of the results (3,325 tally sheets from 13,000 polling stations), and the panel’s chair said that “tens of thousands of cards were distributed to poll workers and electoral observers” that allowed them to vote “multiple times and at any polling station,” while “in many instances, supporting documents like the partial voting list was missing, making it impossible to determine the validity of the vote and ultimately decide who among the 54 presidential candidates should be in the runoff. There were also deceased voters on the voting list, and voting cards were also trafficked and sold to the highest bidder,” reported the *Miami Herald*. The Provisional Electoral Council will now decide how to proceed. <http://www.miamiherald.com/news/nation-world/world/americas/haiti/article80825277.html>; for the report see <https://drive.google.com/a/ijdh.org/file/d/0BwrRcOqQep6dOFiPaUgzLUxLWHM/view?pref=2&pli=1>

India. “Thousands of files relating to land acquisition” may have been destroyed in a “mystery fire” at a government building in Bengaluru, reported the *Times of India*. <http://timesofindia.indiatimes.com/city/bengaluru/Land-records-destroyed-in-mystery-fire-at-MS-Buildings/articleshow/52060137.cms>

Indonesia. In April Indonesia’s Coordinating Minister for Politics, Legal and Security Affairs “demanded that civil society groups reveal the locations of alleged mass graves” from the 1965 violence in which an estimated half million people died, saying, “All this time, for decades, we have been force-fed the information that several hundred people died. Yet until now we have not seen one mass grave.” In May the Foundation for the Research of 1965/66 Massacre, a non-governmental organization, gave him a list of 122 mass grave sites on Java and Sumatra. In response, the Minister said he “formed a team at this ministry that is gathering information about the mass graves,” reported *BenarNews*, and when “asked if he would request the United States to open its files pertaining to the atrocities 50 years ago [he] said he would gladly receive any evidence shared with his government.” A human rights activist said that the Indonesian Human Rights National Commission “has data, the Indonesian military has data, history institutes also have data on victims.” <http://www.benarnews.org/english/news/indonesian/1965-05092016172006.html>

Israel. The recent policy changes at the Israel State Archives (see *HRWG News* 2016-04) continue to cause controversy. Akevot Institute for Israeli-Palestinian Conflict Research, a non-governmental organization in Tel Aviv, published *Point of Access*, a report on access to records in Israeli Government archives, including the State Archives and the archives of the Israeli Defense Forces and the Defense Establishment. It says, “Public access to 99% of archival records in Israeli government archives is blocked due to decisions made without legal authority, disregard for regulations on accessing archival material and many other failures.” *Ha’aretz* reported on the Akevot work, also quoting other researchers on their experience with the archives and the government’s declassification policy. And on May 25 the Van Leer Institute in Jerusalem hosted a conference on “To Whom Does the Past Belong? Archive and Society in Israel.” An interview with three historians involved in organizing the event was published by *The Nakba Files* along with three essays by scholars on their concerns about access to archives. All are very much worth reading, as they illustrate points of convergence and divergence between government archivists and academic users of archives. Thanks to Lior Yavne from Akevot for sending the link to the report. <http://akevot.org.il/en/point-of-access/#section/1>; <http://www.haaretz.com/misc/article-print-page/.premium-1.720588?trailingPath=2.169,2.216,2.218>; <http://nakbafiles.org/2016/05/26/archives-week-on-the-nakba-files/>



Montenegro. A leader of the Democratic Front, the main opposition alliance, is promoting a candidate for the inspector of the country's intelligence agency and arguing that "opening up the secret files from the Communist era and from the Nineties" has to be the "first task" of the new intelligence chief. *BIRN* noted that Croatia has begun opening its security documents from the years prior to 1990; last December "Albania started the process of selecting the members of the state office which is to be in charge of opening up secret police files amassed under the Communist dictatorship of Enver Hoxha;" and Serbia has opened "some documents from the Communist era" but not those from the Balkan wars of the 1990s.

[http://www.balkaninsight.com/en/article/montenegro-urged-to-open-communists-secret-files-05-30-2016?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm\\_campaign=7eefe3c221-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_a1d9e93e97-7eefe3c221-319755321](http://www.balkaninsight.com/en/article/montenegro-urged-to-open-communists-secret-files-05-30-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=7eefe3c221-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-7eefe3c221-319755321)

Myanmar. The government announced that returning the lands seized by the former military government to their "rightful owners" is one of its "top priorities," reported *The Irrawaddy*. The president "formed a Central Review Committee on Confiscated Farmlands and Other Lands" to both monitor the handling of land disputes by state and divisional governments and also to enable "the return of land to dispossessed farmers from government ministries, state-owned enterprises and private companies." Any documentation that shows land ownership will certainly be needed to resolve the massive land confiscation disputes.

<http://www.irrawaddy.com/burma/return-of-seized-land-a-top-nld-priority-deputy-agriculture-minister.html>

Nepal. In April Nepal's Truth and Reconciliation Commission and the Commission on Investigation on Enforced Disappeared Persons began collecting complaints from persons who were victims during the civil war (see *HRWG News* 2016-03 and 04). District peace committees across the country are collecting the complaints. In the Ramechhap District, police "approached the District Peace Committee . . . seeking the 'photocopies' of the victims' complaints received against the Nepal Police," and the Army battalion in Rukum sought the names and addresses of victims who had filed complaints against the national army. Both requests were refused, reported *The Himalayan Times*.

<https://thehimalayantimes.com/nepal/police-seek-details-conflict-victims-complaints-denied/>

Peru. The International Center for Transitional Justice, a New York-based non-governmental organization, filed a brief in the Superior Court of Lima's Northern Cone in support of "families claiming that they should be eligible for more than one compensation award if they suffered multiple human rights violations during Peru's 1980-2000 international armed conflict." Peru has been compensating victims since 2006, but the Ministry of Justice insists that families can only get compensation for one harm, such as the enforced disappearance of one son but not of two sons. "According to Peru's Unified Registry of Victims, approximately 5,325 victims suffered multiple violations."

<https://www.ictj.org/news/peru-victims-unfair-compensation>

Romania. Romania passed a law to give priority to restitution claims by Holocaust survivors for property lost during World War II and under Communist rule, reported the World Jewish Restitution Organization. Individuals who filed claims before the 2003 deadline that was set by a previous law "have been waiting more than a decade for a decision on their claims. Over 40,000 claims overall remain to be processed."

The law also will "allow dozens of Jewish communal property claims to move forward." <http://wjro.org.il/wjro-applauds-passage-restitution-legislation-romania/>

Saudi Arabia. The justice ministry issued a "directorate" to clerics who register marriage contracts, telling them they must give the bride a copy of the marriage contract "to ensure her awareness of her rights and the terms of the contract," reported *Agence France-Presse*. Women still need the permission of "male guardians" to get married.

[http://www.theguardian.com/world/2016/may/03/saudi-arabia-gives-women-the-right-to-a-copy-of-their-marriage-contract?mkt\\_tok=eyJpIjoiWldSa00yWmpPVFkwTTJGbCIsInQiOiJzdmxwVCs5Z0M5MnB5YnVzc2Uxd2VaeEF6aDRVcnl0VmZWMjN1bVAXempQbUFBQU55VXVhbiZ4VmZlcFwveFlPZjB0akU1SmlYRGplc1Bxc21QdnhEbnlXaGVlXC9XZVwvUHh3QUhMN0ZMcFFvND0ifQ%3D%3D](http://www.theguardian.com/world/2016/may/03/saudi-arabia-gives-women-the-right-to-a-copy-of-their-marriage-contract?mkt_tok=eyJpIjoiWldSa00yWmpPVFkwTTJGbCIsInQiOiJzdmxwVCs5Z0M5MnB5YnVzc2Uxd2VaeEF6aDRVcnl0VmZWMjN1bVAXempQbUFBQU55VXVhbiZ4VmZlcFwveFlPZjB0akU1SmlYRGplc1Bxc21QdnhEbnlXaGVlXC9XZVwvUHh3QUhMN0ZMcFFvND0ifQ%3D%3D)

Sri Lanka. The United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment issued a statement at the conclusion of his official visit to Sri Lanka. After interviewing officials, survivors, and detainees in detention facilities and military camps; examining "documentation regarding the practice of torture from previous years as well as its prevalence today;" and having the results of work by a forensic expert who accompanied him who conducted "a number of medical examinations" and "analysed photographs taken shortly after the alleged torture and ill-treatment,"

the Special Rapporteur concluded that “torture is a common practice carried out in relation to regular criminal investigations in a large majority of cases by the Criminal Investigation Department of the police. In cases where there is a real or perceived threat to national security there is a corresponding increase in acts of torture and ill-treatment during detention and interrogation in Terrorism Investigation Division facilities.” <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19943&LangID=E>

Taiwan. The government announced that a truth and reconciliation commission will be established “to handle matters regarding transitional justice for indigenous people” and on August 1, Indigenous Peoples’ Day, the President will apologize “for the historical inequality and oppression of the indigenous people,” reported *Central News Agency*.  
[http://www.taiwannews.com.tw/etn/news\\_content.php?id=2928981&lang=eng\\_news&cate\\_rss=TAIWAN\\_eng](http://www.taiwannews.com.tw/etn/news_content.php?id=2928981&lang=eng_news&cate_rss=TAIWAN_eng)

Tunisia. The president of the Tunisian Torture Prevention Organization said the organization has received 250 complaints reporting cases of torture in 2015, reported *allafrica.com*.  
<http://allafrica.com/stories/201605091078.html>

United Kingdom. “The DNA and fingerprints of tens of thousands of repeat teenage offenders have been accidentally deleted by police,” *The Telegraph* reported. The U.K.’s Biometrics Commissioner said “officers had wrongly thought that they could only retain the fingerprints and DNA of offenders under the age of 18 who have committed more than one crime for five years, instead of indefinitely on the Police National Computer.” The Commissioner also reported that “the fingerprints and DNA profiles of 810 suspects – the ‘great majority’ of whom had been swabbed as part of a terrorism investigation – had to be destroyed because of delays by the Security Service and the police,” representing one in ten of the “8,000 extremists whose details are held on the Government’s counter-terrorism databases.”  
<http://www.telegraph.co.uk/news/2016/05/27/dna-and-fingerprints-of-50000-repeat-teenage-offenders-deleted-a/>

United States. Controversy flared again over the U.S. Senate’s 2014 report on the Central Intelligence Agency’s (CIA) rendition, detention and interrogation program. While a summary of the report was released, the full 6,700 page study remains classified, with copies held by the Senate as well as the CIA and the Departments of State, Justice and Defense. On 13 May the Circuit Court in the District of Columbia, in a case brought by the American Civil Liberties Union (ACLU), ruled that the copy of the report held by the CIA is not an “agency record” subject to the Freedom of Information Act. A few days later the CIA’s Inspector General admitted that it had in error deleted the electronic copy it held of the report, although the CIA itself retains a copy. A group of 31 non-governmental organizations asked the Archivist of the United States to make a formal determination that the Senate report is a federal record that must be preserved, but he has not yet intervened due to the on-going litigation (the ACLU has the option of appealing the 13 May ruling). The differing definitions of a federal record in the Freedom of Information Act and in the Federal Records Act is an important element of this issue, which Douglas Cox explains clearly in an article published by *justsecurity.org*. For the opinion, see [https://www.aclu.org/sites/default/files/field\\_document/1613150\\_opinion\\_5.13.16.pdf](https://www.aclu.org/sites/default/files/field_document/1613150_opinion_5.13.16.pdf); <http://www.courthousenews.com/2016/05/03/feds-urged-to-preserve-torture-report.htm>; <https://www.justsecurity.org/31197/federal-agencies-preserve-and-finally-read-ssci-torture-report/>; <http://thehill.com/policy/national-security/280002-cia-watchdog-accidentally-destroyed-only-copy-of-torture-report>

In 2005 the U.S. Government Accountability Office (GAO) reported that the meat and poultry industry was one of the most hazardous in the United States and recommended that the Department of Labor (DOL) improve its data collection about the injuries, illnesses and hazards in that type of workplace. In an update to the 2005 report, GAO “analyzed DOL data from 2004 through 2015, including injury and illness data through 2013” as well as conducting on-site inspections and interviews and reviewing other studies. It found that “hazardous conditions remain” and that “DOL faces challenges gathering data on injury and illness rates for meat and poultry workers because of underreporting and inadequate data collection.” GAO concluded, “These limitations in DOL’s data collection raise questions about whether the federal government is doing all it can to collect the data it needs to support work protection and workplace safety.”  
<http://wuis.org/post/we-dont-know-how-many-workers-are-injured-slaughterhouses-heres-why>; for the study, see <http://www.gao.gov/products/GAO-16-337>; for a feature article on Somali workers in packing plants, see <http://www.washingtonpost.com/sf/national/2016/05/24/for-many-somali-refugees-this-industry-offers-hope-then-takes-it-away/>

Across the United States, officials in the justice sector “are increasingly using algorithms to assess a criminal defendant’s likelihood” of committing another crime (recidivism). *ProPublica* compared the results from one of the widely used commercial algorithms, called COMPAS, with jail records from the Broward County, Florida, sheriff’s office and public incarceration records from the Florida Department of Corrections website. It found that the algorithm “correctly predicted an offender’s recidivism 61% of the time, but was only correct in its predictions of violent recidivism 20% of the time.” Furthermore, “black defendants were often predicted to be at a higher risk of recidivism than they actually were” and were “twice as likely as white defendants to be misclassified as being a higher risk of violent recidivism.”

[https://www.propublica.org/article/how-we-analyzed-the-compas-recidivism-algorithm?utm\\_source=pardot&utm\\_medium=email&utm\\_campaign=dailynewsletter](https://www.propublica.org/article/how-we-analyzed-the-compas-recidivism-algorithm?utm_source=pardot&utm_medium=email&utm_campaign=dailynewsletter)

“Through an examination of court cases, as well as interviews with alumni, relatives, school officials and attorneys,” an investigative team from the *Boston Globe* found that in at least 67 private schools in the New England region there were “accusations since 1991 that staffers sexually abused or harassed more than 200 students.” <http://www.bostonglobe.com/metro/2016/05/06/private-schools-painful-secrets/OaRI9PFpRnCTJxCzko5hkN/story.html>

United States/Delaware. An archivist at the Delaware Public Archives discovered in a “box of miscellaneous papers” a list of the last remaining slave owners in Sussex County at the time slaves in Delaware were freed in 1865, reported *The News Journal*. The list apparently was made so the country government would know “how much revenue from taxes on slaves they would lose.” The list has numbers of slaves and their dollar “value,” but not slave names. <http://www.delawareonline.com/story/news/local/2016/05/12/archivist-uncovers-document-listing-last-sussex-slave-owners/84255486/>

United States/New York. In New York City in 2015 more than 30 million people “called or went online to 311, the city’s information and complaint system,” reported the *City Journal*. With its large-scale data collection the city is using data analytics to analyze “all areas of government – from building inspection to noise reduction.” <http://city-journal.org/html/fourth-urban-revolution-14334.html>

## **Publications.**

*Thomson Reuters Foundation* launched the PLACE website (Property, Land, Access, Connections, Empowerment) “to boost coverage of land and property rights, one of the most under-reported issues worldwide.” <http://place.trust.org/>

Memoriav of Switzerland announced that version 1.0 of the recommendations for the digital archiving of film and video is now available in English, German and French. <http://memoriav.ch/recommendations-digital-archiving-film-video/>

The International Center for Transitional Justice hosted an online debate on the topic of “Does the Collective Remembrance of a Troubled Past Impede Reconciliation?” <https://www.ictj.org/debate/article/closing-remarks-invite-further-discussion-implications-remembrance>

The Chechen Archive Association announced that the description of its video archive of the two Chechen wars is now online at [www.chechenarchive.org](http://www.chechenarchive.org). The Association writes, “To protect the witnesses, only a textual database with information about the videos is made public; the videos themselves and the sensitive information are being made available solely after consultation to make sure that personal data and other sensitive information remain confidential.” The Association has “1,270 video sequences filmed by human rights activists and brought to safety in Switzerland. The archive provides the Chechen people with an important resource for coming to terms legally and historically with the past and will also serve to fight against impunity and oblivion. Chechen human rights activist Zaynap Gashaeva, together with other activists, journalists and documentary filmmakers, recorded and filmed war crimes which were committed particularly by the Russian army during the wars fought in her country between 1994 and 2006. The videos feature interviews with witnesses, soldiers, journalists and victims or their families and document the destruction of settlements. They also include unique videos with the Russian journalist Anna

Politkovskaya, who was murdered in 2006 primarily because of her commitment to Chechnya.” For further information contact Christoph Wiedmer at [christoph.wiedmer@gfbv.ch](mailto:christoph.wiedmer@gfbv.ch)

As the peace process moves slowly forward in Colombia, the Centro Nacional de Memoria Historica calls attention to its website [www.archivodelosddhh.gov.co](http://www.archivodelosddhh.gov.co) that features “first hand testimonies, interviews, letters, manuscripts, press release, television and radial reports, photographies, singing, results from memory workshops, books, magazines, communicational pieces and copies from judicial records, handed in by community leaders, social organizations, public organizations that develop investigations themselves, as well as National Center for Historical Memory's research fellows.”

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