

Written and compiled by Trudy Huskamp Peterson, Chair, HRWG

Commentary.

It was a gift, said Malaysia's Attorney General. A gift of nearly \$700 million transferred in March 2013 from Saudi Arabia's royal family to the personal bank account of Malaysia's Prime Minister. And, said the Attorney General, the Prime Minister gave all but \$61 million of it back! And, even more curiously, "the Saudis asked for nothing in return for the gift." The Attorney General ordered Malaysia's anticorruption body to close its investigation into the case. The records of the closed investigation should go to the National Archives for safekeeping. (For story, see <http://www.marketwatch.com/story/skepticism-over-Malaysia-PMS-700-Million-gift-from-Saudis-2016-01-26>)

As fascinating as the Malaysia situation is, it is hardly the only current government corruption allegation. Nigeria has an investigation in progress of alleged massive fraud in arms procurement, and the former head of the air force has been arrested. A massive scandal in Guatemala has both the former president and the former vice-president in jail. Corruption in Ukraine was a factor in the Maidan revolution (remember the former president's lavish estate and the documents found there). Alleged corruption in countries on every continent, it seems.

Archives clearly have a very important role in anticorruption investigations, both as evidence of the alleged corruption and as evidence of the prosecution, whether weak or robust. But what does anticorruption have to do with human rights? Many kinds of corruption exist, of course, from the free lunch for the restaurant inspector so he won't turn in an unsanitary kitchen to percentages of the money in a government contract paid into a personal account. But no matter what kind of corruption it is, it affects the human rights of people living in the country in at least two ways. First, some corruption directly affects people exercising their rights. Think, for example, of government forces, police or military, protecting a big private company's mining operation and beating protesters whose homes and health are at risk from the mine. Or the case of bribes to allow shoddy and dangerous products into the marketplace or to price essential goods or services beyond the reach of most people. Second, corruption takes funds away from the resources available to the government, which means inadequate money for schools, health services, honest judicial systems. For all those reasons and more, records and rights, corruption and anticorruption, all belong in the same sentence.

News of the Human Rights Working Group. The index of news items cited in the 2015 issues of HRWG News is available by writing to trudy@trudypeterson.com.

International news.

African Extraordinary Chambers. At the trial of Chad's former president Hissene Habre, prosecutors presented records from the secret police archives that show the "names of 12,321 prisoners, interrogation reports and the deaths in detention of more than 1,200 people." Habre's lawyer "has dismissed the records as 'fakes'," reported the *New York Times*. http://www.nytimes.com/2016/01/01/world/africa/chad-hissene-habre-trial.html?_r=0

European Court of Human Rights. The Court ruled "that a Romanian company was within its rights to read deeply personal messages one of its engineers sent over Yahoo Messenger whilst he was supposed to be working," reported *The Daily Mail*. The ruling applies to employers and employees in all countries that

have ratified the European Convention on Human Rights. The media quickly called the ruling a “snoopers’ charter” for employers. <http://www.dailymail.co.uk/news/article-3397433/European-court-says-bosses-read-staff-s-private-messages.html>

European Union. (EU) The EU Justice Minister proposed collecting “fingerprints and information about all foreigners convicted of crimes in the 28-nation bloc” and storing it on the EU’s ECRIS criminal records computer, reported the *Associated Press*. “Currently, information about convicted foreigners is kept only in national records” and data about convicted EU citizens is on ECRIS but without their fingerprints. In addition to data on convictions, “nations could decide what offenses to flag on the database, meaning people who enter irregularly or overstay visas could be listed.” <http://www.foxnews.com/world/2016/01/19/eu-plans-to-collect-fingerprints-convicted-foreigners.html>

International Criminal Court. The International Criminal Court authorized the prosecutor to investigate possible war crimes perpetrated during the conflict between Russia and Georgia in 2008 in South Ossetia. The prosecutor said “she had evidence suggesting both sides had killed peacekeepers, which is a war crime,” reported *BBC News*; during December 2015 “more than 6,000 alleged victims made representations to the court.” Managing the flow of documentation for the case will be another task for the heavily burdened court; see the *International Justice Tribune*’s interview with the Court’s Registrar at <https://www.justicetribune.com/issues/ijt-189>; <http://www.bbc.com/news/world-europe-35422437>

International Military Tribunal for the Far East (IMTFE). Shanghai Jiao Tong University launched a database of the records of the post-World War II IMTFE trials held in Japan between 1946 and 1948. The database, at tokyotrial.cn, includes both trial records and evidence, reported *Xinhua*. <http://english.cri.cn/12394/2016/01/09/3685s912091.htm>

Kosovo Relocated Specialist Judicial Institution. The Government of the Netherlands announced that it will host the new Kosovo special court “to try senior Kosovo Liberation Army fighters for war crimes and post-war offenses” committed during 1999-2000, reported *BIRN*. The records of the Special Investigative Task Force that conducted preliminary investigations will form the basis for the work of the new court. http://www.balkaninsight.com/en/article/kosovo-court-to-be-established-in-the-hague-01-15-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=657eea2f79-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-657eea2f79-319755321

NATO. To mark the 20th anniversary of the Dayton Peace Agreement that ended the 1992-1995 war in Bosnia-Croatia-Serbia, NATO Archives published records on the post-war peacekeeping mission IFOR (Implementation Force), including letters between the NATO Secretary General and the United Nations Secretary-General and monthly reports of IFOR. http://www.nato.int/cps/en/natohq/news_126429.htm

United Nations. The United Nations Assistance Mission for Iraq and the Office of the United Nations High Commissioner for Human Rights published a joint report on the impact on civilians of the armed conflict taking place in Iraq. Noting that “civilians continue to suffer the most” from the armed conflict, the two agencies said that between 1 January 2014 and 31 October 2015 they “recorded at least 55,047 civilian casualties as a result of the conflict, with 18,802 people killed and 26,245 wounded.” The report is based on testimonies and interviews, taken in person and by telephone, and reports from “a variety of sources, including Government and non-government agencies and organizations, and United Nations entities.” It notes that because of the difficulties in obtaining and verifying the incidents of death and injury, “the actual numbers of civilian casualties and scale of incidents could be much higher” than the numbers in the report. http://www.uniraq.org/images/humanrights/UNAMI-OHCHR_%20POC%20Report_FINAL_01%20May-31%20October%202015_FINAL_11Jan2016.pdf

The United Nations Security Council “approved the creation of a U.N. mission of unarmed international observers to monitor disarmament should Colombia’s government and leftist FARC rebels reach a deal” to end the civil war, reported *Reuters*. Recordkeeping must be built into the observer mission from the very beginning. <http://www.trust.org/item/20160125231747-c5w8a/>

A report by the United Nations Environment Program’s Finance Initiative analyzed the “implications for the banking sector” of the United Nations Guiding Principles on Business and Human Rights. Records of banks have been key to a great many human rights cases, from those about assets of the victims of the

Holocaust to those about monies taken from state coffers by unscrupulous heads of state.

<http://www.unepfi.org/fileadmin/documents/BanksandHumanRights.pdf?platform=hootsuite>

World Bank. The World Bank published its annual *World Development Report*, which for 2016 is on “Digital Dividends.” It includes an important background paper, “One Step Forward, Two Steps Backwards? Does E-Government make Governments in Developing Countries more Transparent and Accountable?” written by archivist Victoria Lemieux. For the Report, see <http://www.worldbank.org/en/publication/wdr2016>; for the paper see <http://pubdocs.worldbank.org/pubdocs/publicdoc/2016/1/287051452529902818/WDR16-BP-One-Step-Forward-Lemieux.pdf>.

World/general news.

Business records. The U.S. Supreme Court refused to dismiss a lawsuit filed by former of child slaves from Mali against Nestle (the “world’s largest food maker”), Archer-Daniels-Midland (a food processing and commodities trading company), and Cargill Inc. (another food and agricultural company). The plaintiffs “contend the companies aided and abetted human rights violations through their active involvement in purchasing cocoa from Ivory Coast” and “offered financial and technical assistance to local farmers in a bid to guarantee the cheapest source of cocoa” which they knew meant that child slaves would be used, reported *Reuters*. Records of all three companies will be relevant to the case.

http://www.trust.org/item/20160111150004-m698o/?utm_medium=email&utm_campaign=Weekly%20Digest%2013116&utm_content=Weekly%20Digest%2013116+CID_912d17e38412c18d7f99a3748752c7cc&utm_source=Campaign%20Monitor&utm_term=US%20top%20court%20rejects%20Nestle%20bid%20to%20throw%20out%20child%20slavery%20suit

“Citing German privacy laws, Volkswagen has refused to provide emails or other communications among its executives” to U.S. attorneys who are investigating Volkswagen’s cheating on emissions tests on its diesel cars, reported the *New York Times*. The excess pollution from the vehicles that lacked adequate emissions controls is a risk factor for public health. http://www.nytimes.com/2016/01/09/business/vw-refuses-to-give-us-states-documents-in-emissions-inquiries.html?_r=2

Also on automobiles, the airbags manufactured by the Takata company have caused injury and deaths when the bags improperly inflate. Documents released in a lawsuit brought in the U.S. state of Florida by a woman who was paralyzed by a Takata airbag in a Honda Civic show that Takata employees know of the dangers and “manipulated” testing data given to Honda and other customers, years before it became a public crisis. Honda says it is no longer using the Takata product.

<http://www.nytimes.com/images/2016/01/05/nytfpage/scan.pdf>

Medical records. Researchers at the University of Southern California followed 23 African-American families with children diagnosed with autism and asked how they used the children’s health records. They found what they called a “social life” of paper records: “parents brought thick, chronologically ordered binders filled with records and documents to meetings in schools and doctor’s offices, often as a way of validating their own knowledge and expertise to professionals.” Moreover, the researchers saw that “written descriptions in records can have consequences beyond the delivery of case. Descriptions of parents’ employment status, for example, positively or negatively influenced clinicians’ perceptions of them.” They concluded that with the conversion from paper to electronic health records clinicians need to be especially aware of “how patients and families engage with their records.” <http://news.usc.edu/90749/the-social-life-of-paper-medical-records/>

Bilateral and multilateral news.

Algeria/France. On a state visit to France the Algerian Minister for the Mujahidin discussed three issues: return of archives, records that France holds about the persons still missing from Algeria’s war of independence, and damages caused by France’s nuclear testing in southern Algeria during the colonial period. According to the *Algeria Press Service*, the two sides “agreed that the issue of archives” will be discussed at the next meeting of the High Level Intergovernmental Commission in March and “a joint commission will be set up and should meet on 11 February to study the issue of the missing and address

compensation for victims of nuclear tests, not to mention the environmental aspect.”

<http://www.aps.dz/en/algeria/10508-zitouni-algeria.-france-should-seriously-deal-with-issues-of-common-memory>

China/Japan/United States. The family of an American missionary who was stationed in Nanking, China, donated to the Yale Divinity School Library 13 reels of film that he shot while in Nanking, including 2 reels with “footage from the so-called Nanking Massacre” that he took after the Japanese Army entered the city on December 13, 1937, reported *Yale News*. <http://news.yale.edu/2016/01/22/donated-film-reels-contain-footage-nanking-massacre>

Europe. The German task force investigating the ownership of the art collection of Cornelius Gurlitt, whose father was a Nazi-era art dealer, said that “it had identified the rightful owners of just five of the works whose provenance was in doubt.” The German culture minister said, “One lesson we have learned will stay with us, namely that speed and thoroughness are not both possible in provenance research.” A new agency, the German Lost Art Foundation, will continue the investigation.

http://www.nytimes.com/2016/01/15/world/europe/gurlitt-art-collection-germany.html?_r=0

Germany/Israel. Among the files of the Jewish Agency held at the Central Zionist Archive, an archivist found a three page deposition of a Jewish man who survived Nazi hypothermia experiments and other medical experiments as a prisoner at Dachau and other prison camps during the Second World War, reported *The Times of Israel*. <http://www.timesofisrael.com/new-testimony-sheds-light-on-nazi-medical-experiments/>

Guatemala/United States. Guatemala arrested 18 ex-military leaders on charges of committing crimes against humanity during the long Guatemalan civil war. *Democracy Now* interviewed “investigative journalist and activist” Allan Nairn, who argued for prosecuting U.S. government persons who supported the Guatemalan army. Nairn said, “The U.S. should be subpoenaed to release all NSA [National Security Agency], State Department and Pentagon documents regarding payments they made to these officers, training and advice they gave them.” http://www.democracynow.org/2016/1/8/18_ex_military_guatemalan_leaders_arrested

Iraq/Israel/United States. *The Times of Israel* published another long article on the uncertain fate of the materials from the Iraqi Jewish community that were found in the basement of the headquarters of Saddam Hussein’s secret police and are now on display in the United States. <http://www.timesofisrael.com/who-should-keep-iraqi-jewrys-archives-saved-from-saddam-now-on-tour-in-us/>

Mexico/Spain. The family, now living in Mexico, of a Spanish union leader believed to have been executed by Franco forces during Spain’s 1936-39 civil war, filed a complaint with the Mexican Attorney General’s Office over his disappearance. The woman filing the complaint said that during her background research in Spain she “found testimonies from wardens of jails in Valladolid and Medina de Campo” where they took the man. The complaint to the court “contains 25 filings that support” the family’s theory of the disappearance. http://elpais.com/elpais/2016/01/29/inenglish/1454062053_058323.html

Philippines/United States. On January 25, 2015, an operation by the Philippines’ Special Action Force (SAF) in southern Philippines, originally to serve arrest warrants and to capture several “Malaysian terrorists” including Zulkifli bin Hir, also known as Marwan, went terribly wrong. Although the accounts vary, deaths during the “action” included Marwan, at least 44 members of the SAF, 18 members of the Moro Islamic Liberation Front, 5 members of the Bangsamoro Islamic Freedom Fighters, and several civilians. *InterAksyon.com* reported, “Questions persist over the role of the US in the operation,” and so Bayan USA, the U.S. chapter of a Philippine nongovernmental organization, sent a Freedom of Information Act request to the U.S. Federal Bureau of Investigation for its records relating to the “botched mission.” Bayan plans to file FOIA requests with other U.S. government agencies.

<http://www.interaksyon.com/article/123321/bayan-usa-files-freedom-of-information-act-request-on-fbi-role-in-mamasapano>

Russia/United Kingdom. The Litvinenko Inquiry published its report on the death of Alexander Litvinenko, a former Russian KGB officer who became a British citizen, in London on 23 November 2006. Among the terms of reference for the Inquiry was to determine “how, when and where he came by his death; and the particulars (if any) required by the Births and Deaths Registration Act 1953 to be registered concerning the death.” The inquiry concluded that he was poisoned by two Russian men, with a “a strong probability” that this was done “under the direction of the FSB, the Federal Security Service of the Russian Federation.”

Documents relied on by the Inquiry, except those specifically restricted by the judge, are posted on the website for the case. <https://www.litvinenkoinquiry.org/>

National news.

Bulgaria. The Bulgarian government published information on former agents of its Communist-era secret service, reported *novinite.com*. “The data set contains 134,003 recordings on persons examined by the committee for disclosing the documents and announcing the affiliation of Bulgarian citizens to the State Security and intelligence services of the Bulgarian National Army.”

<http://www.novinite.com/articles/172494/Bulgaria+Publishes+Information+on+Former+State+Security+Agents+in+Open+Data>

Burundi. The United Nations High Commissioner for Human Rights said his staff “has documented cases of Burundi’s security forces gang-raping women during searches of opposition supporters’ houses and heard witness testimony of mass graves,” *Reuters* reported. The High Commissioner said the United Nations “is analyzing satellite images to investigate witness reports of at least nine mass graves in and around the capital Bujumbura, including one in a military camp, containing more than 100 bodies in total, all of them reportedly killed on December 11, 2015.”

http://uk.reuters.com/article/uk-burundi-unrest-idUKKCN0UT0XM?utm_source=Sailthru&utm_medium=email&utm_campaign=New%20Campaign&utm_term=%2AMorning%20Brief

Canada. According to *CBC News*, “Transport Canada is refusing to publicly release details about a range of safety issues detected on Canada’s railways.” The train crash at Lac-Mégantic in 2013 which killed 47 people and destroyed much of the town’s business district has heightened awareness of rail safety issues. Transport Canada refused to release copies of risk assessments submitted to it by rail companies because “it could jeopardize the companies’ financial and commercial interests and violate the secrecy provisions of the Transportation of Dangerous Goods Act.”

<http://www.cbc.ca/news/business/rail-safety-transport-canada-records-1.3409352>

Germany. The boys’ choir of the Catholic cathedral in Regensburg is internationally known through its recordings and concert tours. After reports of “physical and sexual abuse in the choir,” the choir commissioned a review. The initial findings were presented in January, “based on more than 140 interviews, roughly half of them with victims, and an examination of archives,” reported the *New York Times*. The investigator “estimated that from 1953 to 1992, every third student at the school attached to the choir suffered some kind of physical abuse.”

http://www.nytimes.com/2016/01/11/world/europe/pope-benedicts-brother-says-he-was-unaware-of-abuse.html?_r=0

Haiti. Two law schools in the United States prepared a report on human rights and the environmental risks of gold mining in Haiti. Arguing that “without inclusive and participatory governance, Haiti’s apparent bounty of mineral resources could easily transform into a curse,” the law schools researched the report using what they called a “rights-based approach,” which they explained in a thorough section on their methodology. They conducted many interviews as well as “widely” consulting “company documents” and creating maps using “mining company materials, Haitian government documents, and third party institutional reports” and satellite imagery.

<http://chrgj.org/report-launch-byen-konte-mal-kalkile-human-rights-and-environmental-risks-of-gold-mining-in-haiti/>

India. The government Department of Archives for Jammu and Kashmir has not regularly received government records after 1947, the former director of the archives told *Mail Today*. The current director said he heard “that Jammu and Kashmir Police have created some mechanism within the police department to preserve police archives. They don’t share anything with us.”

<http://indiatoday.intoday.in/story/jammu-and-kashmir-archives-denied-record-for-past-6-decades/1/568958.html>

The Prime Minister of India, Narendra Modi, went to the National Archives “to declassify the files on Netaji Subhash Chandra Boses’ mysterious disappearance,” reported *The New Indian Express*. The spokesperson for the Bose family, while welcoming the release, told *PTI*, “We feel that certain very important files were destroyed during the Congress regime in order to hide the truth. We have documentary evidence to understand this. So we feel that the Indian government should take steps to

ensure the release of files lying in Russia, Germany, UK, USA.” <http://www.newindianexpress.com/nation/Prime-Minister-Unveils-100-Files-on-Netaji-at-National-Archives/2016/01/23/article3241183.ece>

Israel. *The Independent* published a profile of the Israeli nongovernmental organization Breaking the Silence, which has gathered more than 1000 “testimonies of soldiers from their service in the West Bank and Gaza, offering more revealing accounts of the military occupation and its impact on Palestinian civilians than the official statements from the army.” <http://www.independent.co.uk/news/world/middle-east/breaking-the-silence-former-israeli-soldier-branded-a-traitor-for-asking-troops-to-tell-their-west-a6794256.html>

Lebanon. The International Center for Transitional Justice, a nongovernmental organization, published a report outlining the powers that a future independent national commission on the missing in Lebanon should have. Among the recommendations is: “The commission must have the authority to obtain all records and information about missing and disappeared persons and centralize it in a confidential database. Additionally, it should be authorized to compel testimony.” It further recommends that “individuals and institutions with information about the missing [should] offer it voluntarily to the commission.” And it notes that the commission’s “guiding principles should also affirm the right of families of the missing persons to learn the fate of their relatives and the circumstances of their disappearance and their right to have access to all related information and records.” https://www.ictj.org/sites/default/files/ICTJ-Report-Lebanon-CommissionMissing-2016_0.pdf

Myanmar. On the one year anniversary of the rape and murder of two Kachin Christian teachers, two nongovernmental organizations released a report arguing that soldiers were responsible and the military has been covering up the facts. According to *UCA News*, the report “analyzes witness testimony that identifies as a key suspect the commanding officer” of an army unit stationed nearby. The *News* said it saw a video of the dead women; the Baptist convention has “conducted its own investigation.” http://www.eurasiareview.com/20012016-burma-new-report-alleges-military-involvement-in-murders/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Nepal. The spokesperson for the Truth and Conciliation Commission “accused the government of non-cooperation,” reported the *Kathmandu Post*. In December the TRC asked for “policies and strategies developed at different stages of the conflict” and “warfare dossiers from Nepal Army, Nepal Police, Armed Police Force, National Investigation Department, Home Ministry, Security Council, Defence Ministry and former rebel party UCPN (Maoist).” The rebels have not answered “while the reply of the security forces is far from satisfactory.” And the government has not approved the regulations for the TRC, so the commission “cannot even collect applications from conflict victims.” <http://kathmandupost.ekantipur.com/news/2016-01-29/govt-not-cooperating-with-trc-spokesperson.html>

Pakistan. At a meeting of the Council of Islamic Ideology (CII), the chairman “came to blows” with another member over the question of whether the CII should declare members of the Ahmadi branch of Islam as “apostate” (the Council did not). An estimated 5 million Pakistanis are Ahmadis who suffer severe discrimination, reported the *South Asia Monitor*. “By law Muslim citizens have to sign a declaration that they are not Ahmadis to get national identity card registration. Some universities even ask for an oath to be taken by the faculty to make sure they do not accidentally hire an Ahmadi.” http://www.eurasiareview.com/14012016-ahmadis-in-pakistan-minority-persecution-reflects-industry-of-intolerance-analysis/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Russia. “The Russian government’s commission on state secrets has rejected a call from over 60,000 Russians to open the archive of Soviet secret police forces and spy agencies,” reported *Newsweek* citing *Meduza*. “The files will instead remain classified until 2044.” <http://www.newsweek.com/kremlin-rejects-petition-open-soviet-secret-police-archive-417740>

In yet another example of the importance of identity papers, *Eurasia Review* reported: “Russia’s Federal Migration Service has been sending letters to Circassians who had been allowed to return from exile in Turkey to their homeland in the North Caucasus, saying that Moscow has cancelled their residence permits and that they must leave the Russian Federation and return to Turkey.” The head of a Circassian nongovernmental organization said many who are asked to leave “have lived in Russia for decades, have applied for citizenship, have raised their children there.” An estimated half million Circassians live in the

Caucasus. http://www.eurasiareview.com/14012016-russia-begins-deporting-circassians-who-returned-to-homeland-from-turkey-oped/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Saudi Arabia. Saudi Arabia's Communications and Information Technology Commission announced that "the country's security agencies would enforce the new regulation requiring all telecommunication subscribers to register their fingerprints." The first to be registered will be new customers, including "visitors, Gulf citizens and Haj and Umrah pilgrims." *Arab News* said the fingerprints will be taken "on special devices to obtain a SIM card. The devices will be linked to the National Information Center to ensure the identities of SIM owners are accurate." http://www.eurasiareview.com/26012016-saudi-arabia-to-record-fingerprints-when-issuing-mobile-sim-cards/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

South Africa. The Constitutional Court expressed concern that "incomplete, patched-up records caused by faulty mechanical equipment or lost tape recordings" from arbitration proceedings at the Commission for Conciliation, Mediation and Arbitration "were not uncommon." The court said "it was improper for the labour court to dismiss an application for the review of an arbitration award in the absence of a proper record" and so it reinstated a fired employee. A labor lawyer told *TimesLIVE* that "even if proceedings were recorded correctly, records often went missing later." <http://www.timeslive.co.za/local/2016/01/21/Missing-CCMA-records-a-common-headache-for-courts>

The mayor of the Uthukela district awarded college scholarships to 16 young women "who voluntarily stayed virgins and agreed to have regular virginity tests to keep their funding," reported the *Associated Press*. The mayor's spokesperson said the grants will be renewed "as long as the child can produce a certificate that she is still a virgin." http://www.businessinsider.com/ap-s-african-mayor-awards-scholarships-to-virgin-women-2016-1?mkt_tok=3RkMMJWWf9wsRonvK7Nce%2FhmjTEU5z17u0kUKCg38431UFwdcjKpmjr1YIITcRhI%2BSLDwEYGJlv6SgFSLHMMa12z7gLXxI%3D

Turkey. The government announced that it will begin issuing work permits for Syrian refugees in Turkey as part of the steps taken to halt the flow of Syrian refugees into the European Union. However, the Deputy Prime Minister told *Reuters*, "refugees will be able to apply for a work permit specific to their place of registration six months after they register there," leaving the refugees a gap of six months without legal employment possibilities. <http://www.reuters.com/article/us-europe-migrants-turkey-idUSKCN0UP0QP20160111>

United Kingdom. "Secret industry documents seen by *The Independent* reveal that the executives at . . . asbestos giant Turner and Newall monitored people they considered to be 'subversive' and kept a dossier on their activities at the height of the debate about the mineral's safety in the 1980s." The "subversives" included journalists and environmental campaigners; the company "launched a covert campaign to accuse them of being communists." <http://www.independent.co.uk/news/uk/home-news/how-the-worlds-biggest-asbestos-factory-tried-to-stop-campaigners-exposing-the-killer-dusts-dangers-a6798236.html>

A university researcher is working to clear the name of a man who was tried three times and convicted of murder. Neither the transcript nor the audio record of any of the three proceedings exist, leaving as a record only the judge's sentencing remarks. The court rule is to destroy court transcripts after five years and audio recordings after seven years, reported the *Portsmouth News*. In a letter to the Justice Secretary, 35 lawyers, academics and campaigners protested the destruction, pointing out that "once destroyed, the important verbatim record of what was said in court is lost forever" leaving "a situation where, commonly, only the stale and fragmented mess of documents from case files, often limited to police interviews, statements and reports given prior to trial, are available to those working on criminal appeals." The Ministry of Justice said that audio recordings and transcripts only of "terrorism and some drug cases are routinely kept longer," wrote *The Independent*. <http://www.independent.co.uk/news/uk/home-news/michael-gove-urged-to-stop-reckless-and-irresponsible-destruction-of-crown-court-records-a6830536.html>; <http://www.portsmouth.co.uk/news/crime/government-recklessly-destroying-court-records-1-7186571>

A man murdered a woman, went to prison and was released, murdered again and again was released. The daughter of his first victim wants to see the file on him in the Central Criminal Court Case Files of the Supreme Court of Judicature which are held by the National Archives. She found that the file is closed until 2056; a spokesman for the Archives told the *Daily Star* that the file "has been closed because it contains

sensitive personal information which would distress or endanger a living person or his descendants.” The daughter said the file was not “closed to protect HER family from ‘distress’ and she suspected it was done more to protect” the murderer. <http://www.dailystar.co.uk/news/latest-news/488008/Terry-Bewley-freed-killer>

United Kingdom/Northern Ireland. A judge ordered the Police Service of Northern Ireland to release “34 non-sensitive files” to the family of a man who was murdered by loyalist paramilitaries in Bellaghy in 1997, reported *UTV News*. The legacy inquest on the death has been postponed four times because “the police have yet to disclose any documents to the family or their legal team.” The judge ordered the files handed over “within the next fortnight.” <http://www.u.tv/News/2016/01/19/PSNI-ordered-to-release-files-over-Troubles-murder-52469>

United Kingdom/Scotland. In response to “antisocial, senseless, unruly behavior” at football games, the Scottish Professional Football League “is currently considering the use of facial recognition software in stadiums to filter out past culprits,” reported *Sport Techie*. “The technology would work by scanning fans’ faces to identify those with histories of poor behavior.” The civil rights group Liberty “is concerned that the ‘intrusive observation’ brings with it dangerous data protection responsibilities—who will have access to the data?” <http://www.sporttechie.com/2016/01/25/scotland-weighs-safety-concerns-over-ethical-issues-of-using-facial-recognition-technology-at-football-stadiums/>

United States. The Second Circuit Court of Appeals ruled that the National Security Council is not covered by the Freedom of Information Act (FOIA) and it does not have to fill a request for “all records related to the killing and attempted killing by drone strike of U.S. citizens and foreign nations” and “all National Security Council meeting minutes taken in the year 2011,” reported *Courthouse News Service*. In a concurring opinion one judge wrote that whether or not to put the Council under FOIA “is best considered a political issue for Congress and the president, not for this court.” <http://www.courthousenews.com/2016/01/26/foia-proof-council-can-shield-drone-strike-info.htm>

The National Academies of Sciences, Engineering and Medicine published a report on the health impacts on the nearly 6000 U.S. military personnel who participated in the 1960s in Project SHAD (Shipboard Hazard and Defense), “a series of classified tests of U.S. warship vulnerability to biological and chemical warfare agents.” Only some of the participants knew “the nature of the tests at the time they were conducted.” The study team compared veterans who were involved in the tests and those who were not and found that the SHAD veterans “showed no significant increase in adverse health outcomes, specific causes of death, or death rates.” http://iom.nationalacademies.org/Reports/2016/Assessing-Health-Outcomes-Among-Veterans-of-Project-SHAD.aspx?utm_source=IOM+Email+List&utm_campaign=3f1e9bbdb4-1_8_SHAD_II_Report1_6_2016&utm_medium=email&utm_term=0_211686812e-3f1e9bbdb4-180156329

ProPublica reported on the continuing controversy over videos released by the anti-abortion group Center for Medical Progress that seem to show Planned Parenthood, a nonprofit reproductive health organization, profiting from the use of aborted fetuses for research. Journalists quickly determined that the videos had been altered. Planned Parenthood sued, and the grand jury hearing the case indicted two persons from the Center “on felony charges of tampering with government documents and a misdemeanor charge related to purchasing human organs.” The “government documents” are fake California driver’s licenses that allowed them to gain access to a Planned Parenthood building. https://www.propublica.org/article/everything-you-need-to-know-about-the-planned-parenthood-videos?utm_source=pardot&utm_medium=email&utm_campaign=dailynewsletter

The *New York Times* analyzed nearly 60 million death certificates collected by the Centers for Disease Control and Prevention from 1990 to 2014. Among the findings is that the “rate of fatal heroin overdoses almost tripled between 2010 and 2013” and the “vast majority” of deaths were of white adults. *VICE News* quoted a physician who treats drug abuse suggesting that the reason for the racial disparity is “underlying racism by doctors”: Medicare data from 2007 to 2012 showed that white patients were prescribed painkillers (opioids) “at a higher rate than their minority counterparts.” The U.S. tightened control over painkillers in 2013, and persons who depended on them turned to heroin. <https://news.vice.com/article/heroin-kills-white-people-more-than-anyone-else-and-nobody-is-sure-why>

The Federal government issued new guidelines under the Health Insurance Portability and Accountability Act of 1996, telling doctors and hospitals “that in most cases they must provide copies” of medical records

to patients within 30 days of receiving a request, reported the *New York Times*. The Department of Health and Human Services said “complaints about access to medical records were one of the top five issues investigated” by its Office of Civil Rights. <http://www.nytimes.com/2016/01/17/us/new-guidelines-nudge-doctors-on-giving-patients-access-to-medical-records.html>

The breach of the computers at the Office of Personnel Management last year compromised the personal information of more than 20 million people. Now the Federal government has decided that “the Department of Defense would take over the storage of records from federal background checks” under the supervision of a new office called the National Background Investigations Bureau, reported the *New York Times*. <http://www.nytimes.com/2016/01/23/us/politics/storage-of-records-of-background-checks-shifted-after-last-years-security-breach.html>

In the massive media coverage of police use of technology, a story in the *Washington Post* stood out. It said that the Fresno, California, police are using “Beware” software to gauge how serious a threat a person might be. The program can quickly search “billions of data points, including arrest reports, property records, commercial databases, deep Web searches and . . . social media postings” and then calculate the person’s potential for violence. The Federal Bureau of Investigation has a \$1 billion “Next Generation Identification” project, which will pool information found in local, regional and national databases, including fingerprints, iris scans, facial recognition data and more. https://www.washingtonpost.com/local/public-safety/the-new-way-police-are-surveilling-you-calculating-your-threat-score/2016/01/10/e42bccac-8e15-11e5-baf4-bdf3735da0c_story.html

Using records of the government-run Chemawa Indian School, a boarding school for Native American children in Oregon, a woman researched the deaths of children at the school, She then used ground-penetrating radar to survey in the school cemetery and reported that “there are possibly hundreds of unmarked burial sites at Chemawa,” reported *Al-Jazeera*. <http://www.aljazeera.com/indepth/features/2016/01/unearthing-dark-native-boarding-school-160103072842972.html>

United States/Illinois. Chicago, Illinois, is having a major public debate about police records. In one case, the labor contract between the city and the police union calls for all files on police misconduct to be destroyed five years after the date of the incident. A number of organizations are challenging the destruction, including the NAACP (the oldest U.S. civil rights organization for ethnic minorities) which argues that “if records only go back five years, there is no way to determine which officers have a pattern of complaints filed against them,” reported *WLS*. Records dating back to 1967 are to be destroyed; a state representative is trying to introduce a bill to amend the Illinois Local Records Act to keep the records permanently. <http://abc7chicago.com/news/naACP-criticizes-practice-of-destroying-police-misconduct-records-1154985/>; <http://chicagodefender.com/2016/01/20/fop-contract-arbitrator-says-destroy-all-records/>

In the second case, *DNAinfo* media reviewed more than 1,800 police maintenance logs to try to determine why so many police dashcam (cameras mounted on police cars) videos—80% of dashcam videos--have no sound. The reasons vary: “officers stashed microphones in their squad car glove boxes. They pulled out batteries. Microphone antennas got busted or went missing. And sometimes dashcam systems didn’t have any microphones at all.” On 30 occasions between September 1, 2014, and July 16, 2015, police maintenance technicians “found evidence that audio recording systems either had not been activated or were ‘intentionally defeated’ by police personnel.” The police superintendent warned the police that they will be disciplined if they fail to “follow proper dashcam protocol.” <https://www.dnainfo.com/chicago/20160127/archer-heights/whats-behind-no-sound-syndrome-on-chicago-police-dashcams>

United States/Michigan. The city of Flint, Michigan, switched its water source in April 2014 from Lake Huron to the Flint River. The river water, which is more corrosive to the city’s lead pipes, has caused elevated lead levels in residents. Lead is especially harmful to young children. A doctor in Flint used electronic medical records and discovered that the percentage of Flint children with unsafe levels of lead in their blood doubled and sometimes nearly tripled after April 2014. She told *WiscNews*, “If we did not have (electronic medical records), if we were still on paper, it would have taken forever to get these results.” The crisis has stimulated efforts to subject the governor to the state’s Freedom of Information Act, because the governor has not released all his email messages and other papers on what he and his staff knew about the water crisis in Flint. <http://www.chicagotribune.com/news/nationworld/midwest/ct-michigan-open-records-law-20160130-story.html>; http://www.wiscnews.com/news/state-and-regional/article_c95028ae-56a1-56fe-9265-a5961c9fbeb5.html

United States/Mississippi. A class action lawsuit against Mississippi for failing in its duty to protect foster children in its facilities was settled in 2008. During the suit the plaintiffs had used “state data from 2001” to show that “more than 6,200 reports of abuse, neglect and the use of unsafe foster homes were not investigated.” Now, sadly, a court monitor reports that the state has failed to live up to its 2008 promises, and in 2011 “overwhelmed social workers destroyed evidence of abuse by shredding photographed documentation so they would not have to deal with more cases,” reported the *New York Times*.
<http://www.nytimes.com/2016/01/18/us/mississippi-fights-to-keep-control-of-its-beleaguered-child-welfare-system.html>

United States/Washington. The Catholic Archdiocese of Seattle published a list of 77 clergy who were child-sex abusers and “served or lived in western Washington between 1923 and 2008,” the *Associated Press* reported. A lawyer who has handled abuse claims against the church said the list is a positive step but called on the Archdiocese for “‘true transparency’ to release the files and secret archives kept on the people named.” <http://bigstory.ap.org/article/8de80471e4a94b25aa456a053a313780/archdiocese-seattle-publishes-names-child-sex-abusers>

Publications.

The Business and Human Rights Resource Center has links to a wide variety of documentaries, films, short videos and news items on business and human rights. <http://business-humanrights.org/en/videos>

Please share news with us! trudy@trudypeterson.com or j.boel@UNESCO.org.

To subscribe to the Newsletter, enter the required information on the form that you will find on this URL: http://www.unesco.org/archives/hrgnews/hrg3_042010.php

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