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Commentary.

The *New York Times* obtained 15,000 internal Islamic State (IS) documents, including at least two CD-ROMs, from recent battle sites in Iraq, mainly around Mosul. Some came from offices, others from store rooms or abandoned briefcases. The journalist got the materials during five trips to Iraq in a little over a year. She said her team “lifted up the mattresses and pulled back the headboards of beds,” “rifled through the closets, opened kitchen cupboards, followed the stairs to the roof and scanned the grounds.” As a rationale for taking the materials she wrote, “Iraqi security forces nearly always accompanied our team. They led the way and gave permission to take the documents. In time, the troops escorting us became our sources and they, in turn, shared what they found, augmenting our cache by hundreds of records.” <https://www.nytimes.com/interactive/2018/04/04/world/middleeast/isis-documents-mosul-iraq.html>

After the *Times* article on the “ISIS Files” appeared, *Al Jazeera* published an opinion piece by Iraqi writer Sinan Antoon headlined, “How the NYT partook in the plunder of Iraq.” He argued that the documents belong to Iraqis: “Why have they been deprived of troves of documents containing evidence of crimes committed against them?” <https://www.aljazeera.com/indepth/opinion/nyt-partook-plunder-iraq-180424100839509.html>

This is a complicated archival fact situation. Whose documents are these? Who had the authority to give them to the *Times*? What use will be made of them? What are the interests in the long term disposition of the records? To whose history do they belong?

Under common law in the United States, anyone can take abandoned property. The *Times* journalists likely were operating under this assumption. I do not know whether Iraqi law covers abandoned property or, if it does, what it says. However, the security forces that accompanied the *Times* team should have known their own law as well as the property restrictions in the laws of war. And even if they did not, they are officers of the Iraqi government; therefore, the government had knowledge of the existence of the materials and either had actual control of them or could have chosen to control them. The security forces must have understood that these materials could be used in trials of IS participants. They lacked authority to give away the materials.

Given the locations searched, it is likely that personal papers and perhaps private business records are in the cache of materials. If so, they probably were left behind by people fleeing destruction who hoped to retrieve them some day. Not truly “abandoned,” they should not be converted to the finder’s personal property.

The destruction wrought by IS in Iraq is catastrophic. The records of the way the country was administered and the violence against the population are an essential part of Iraq’s history. They need to be returned to Iraq. If they are personal papers or private business records swept up in the process, they should be returned to the person or family or business owner, not the government.

Deciding when and to whom to return the materials is an important step. Iraq has a functioning national archives; however, if the IS materials are to be used in criminal cases the judicial or prosecutorial archives would need to be strong and stable enough to handle these sensitive records. The International Council on Archives’ Working Document “Basic Principles on the Role of Archivists and Records Managers in Support of Human Rights” says, in Principle 18:

Institutions and archivists should cooperate with institutions and individuals in other countries to manage and settle claims about disputed displaced archives in a spirit of fairness and mutual respect. If returning displaced archives is likely to risk their destruction, their use for repressive

purposes, or will place at risk persons whose actions are reflected in the archives, return should be postponed.

Until an appropriate, secure Iraqi institution is identified to receive the materials, postponement is a reasonable choice. During that interim, however, the materials should be held by a neutral party in a safe haven repository.

For a longer version of this commentary, see <https://www.trudypeterson.com/blog/>

HRWG News. The HRWG is concerned about the threat to the Historical Archives of the National Police of Guatemala (AHPN). At the end of 2017 the Ministry of Culture and Sports ordered the “suspension” of the project work at AHPN, but later agreed to pay the staff members through June. *Prensa Comunitaria* said the Archive is “in a crisis that puts its facilities and information at risk.” <http://www.prensacomunitaria.org/el-ministerio-de-cultura-y-deportes-quiere-cerrar-el-archivo-historico-de-la-policia-nacional/> The Latin American and Caribbean Memory Sites Network (RESLAC), working through Memoria Abierta in Argentina, is organizing a letter writing campaign in support of AHPN. The instructions are: Send the support letters under the subject “SUPPORT TO AHPN,” with a text in the following format: Full name - position / representation - institution – country to the following addresses: acaniza@memoriaabierta.org.ar and gporras@memoriaabierta.org.ar

International news.

Arab League. “The League of Arab States has chosen Libya as a permanent member of the Executive Committee of the Arab Joint Strategy to Restore Arab Archives Plundered, Expropriated and Transferred to Former Foreign Colonial Powers,” *Infosplusgabon* reported. The Libyan Center for Archives and Historical Studies asked citizens to contact the Center if they have proof that archives were taken out of the country during and after 2011. <http://www.infosplusgabon.com/index.php/actualites/submenu-1/12520-la-libye-elue-membre-du-comite-de-la-ligue-arabe-charge-de-la-restitution-des-archives>

International Criminal Court (ICC). The Prosecutor asked the ICC judges “to rule on whether it has jurisdiction over the deportations of Rohingya people from Myanmar to Bangladesh, as possible crime against humanity,” *Reuters* reported. If the Prosecutor proceeds, a vast variety of documentary evidence will be available to her. <https://www.reuters.com/article/us-icct-rohingya/war-crimes-prosecutor-seeks-jurisdiction-over-rohingya-deportations-idUSKBN1HG30J>

In March 2016 the Court found Jean-Pierre Bemba responsible for murder and rape (both as crimes against humanity and war crimes) and for pillaging as a war crime in the Central African Republic. In October 2016 he also was found guilty of giving false testimony and corruptly influencing witnesses in his trial and fined 300,000 Euros. In March 2018 the appeals court upheld the latter conviction but instructed the trial chamber to determine new sentences. In preparation for the new sentencing hearing, Bemba’s lawyers are “seeking to gain access to all confidential records related to his assets and financial status that are in the possession of the Registry,” reported *International Justice Monitor*. The Prosecutor is opposed, saying that the ICC is still investigating Bemba’s assets, both to recover the “substantial dues” he owes the Court for his legal fees and “to ensure that Bemba’s assets [are] preserved” and are “available for reparations” to the more than 5,000 victims recognized in the case. <https://www.ijmonitor.org/2018/04/bemba-seeks-access-to-confidential-icc-records-on-his-financial-status/>

International Court of Justice (ICJ). In December 2008 Belize and Guatemala signed an agreement to hold referendums in each country to decide whether to take their border dispute to the ICJ (Guatemala claims about half the territory of Belize). Guatemala held its referendum on April 15; less than 10% of eligible voters took part, but over 95% of them approved taking the case to the ICJ, *telesur* reported. Belize said it will vote in 2019. https://www.telesurtv.net/english/news/Guatemalans-Vote-Yes-for-ICJ-Resolution-of-Belize-Dispute-20180416-0004.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=9

Mechanism for International Criminal Tribunals (MICT). The court partially overturned the acquittal of Vojislav Seselj for “inciting crimes with nationalist speeches he made in the Vojvodina region of Serbia during the war in 1992,” *BIRN* reported. It is “the first conviction by an international tribunal for inciting crimes using speeches in the former Yugoslavia.” <http://www.balkaninsight.com/en/article/vojislav-seselj->

World/general news.

Business records. The U.S. Supreme Court ruled that victims of terrorist attacks that occurred between 1995 and 2005 in Israel, The West Bank and Gaza cannot use the Alien Tort Statute to sue Arab Bank, which has a U.S. branch. The plaintiffs argued that the “bank kept accounts for known terrorists, accepted donations that it knew would be used to fund terrorism and distributed millions of dollars to families of suicide bombers.” *SCOTUS* blog said, “The decision will almost certainly put a halt to efforts, often controversial, by foreign plaintiffs to hold foreign corporations responsible in U.S. courts for human rights violations abroad.” <http://www.scotusblog.com/2018/04/opinion-analysis-court-bars-lawsuits-against-foreign-corporations-under-alien-tort-statute/>

The Canadian Broadcasting Company and several nongovernmental organizations appealed to the Ontario, Canada, Superior Court of Justice to unseal the documents in a case brought by Ecuadorian communities against Chevron Corporation, a U.S. oil company. In 2011 an Ecuadorian court ruled that Chevron was liable for deliberately polluting the Amazon and creating environmental destruction and harming health. Chevron has no current operations in Ecuador, and attempts to force Chevron to pay with its assets in the U.S. failed, leading the Ecuadorians to seek reparations from Chevron Canada. For background, see *HRWG News* 2015-06, 2016-08, 2017-01. <https://amazonwatch.org/news/2018/0405-record-environmental-judgement-moves-to-ontario-superior-court-in-toronto>; <http://www.cbc.ca/news/canada/chevron-lawsuit-ecuador-environment-rights-1.4619170>

Liberia opened an investigation into ExxonMobil’s purchase of “corruption-tainted Block 13,” *Global Witness* reported. For background, see *HRWG News* 2018-03. https://www.globalwitness.org/documents/19344/Liberia_investigation_announcement_March312018.jpg

Ever since the 1970s public health experts have raised concerns that Nestle was marketing infant formula to people in low-income countries where water often contains deadly pathogens (the formula is a powder which is mixed with water to be fed to babies). In late March the National Bureau of Economic Research, a U.S. nongovernmental organization, published a report titled, “Mortality from Nestle’s Marketing of Infant Formula in Low and Middle-Income Countries.” The researchers compared “country-specific data from the annual corporate reports of Nestle . . . with a sample of 2.48 million births in 46 LMICs from 1970-2001.” They found that the availability of the formula “increased infant mortality by 9.4 per 1000 births” in these countries and that “unclean water acted as a vector for the transmission of water-borne pathogens to infants.” http://www.nber.org/papers/w24452?utm_campaign=ntw&utm_medium=email&utm_source=ntw&utm_source=STAT+Newsletters&utm_campaign=9641c71303-MR&utm_medium=email&utm_term=0_8cab1d7961-9641c71303-149736437

Belgium’s customs authority brought a case against three companies, one managing director and one manager for exporting chemicals to Syria and Lebanon without the appropriate export licenses and in violation of the 2014 European Union sanctions, *bellingcat*, a nongovernmental group, reported. Using information from the United Nations Comtrade database, freedom of information requests and court proceedings, the Syrian Archive and *Knack* magazine reported that Belgian companies “exported 96 tonnes of isopropanol, a sarin precursor, to Syria between 2014 and 2016.” <https://www.bellingcat.com/news/mena/2018/04/18/belgium-illegally-shipped-96-tonnes-sarin-precursor-syria/>;

At a session organized by the India Chamber of Commerce, business historians argued for the importance of business archives and history,” reported *News18*. Tirthankar Roy said, “If history is not backed by evidence, mythology might emerge,” and Geoffrey Jones stressed that “business leaders should learn from history and their roles in politics” and “the importance of memoirs of people to understand why something has worked while others have failed.” <https://www.news18.com/news/india/if-history-is-not-backed-by-evidence-mythology-emerges-1732833.html>

Climate. Irish researchers produced “an interactive map of extreme waves around Ireland” going back 14,680 years, *Cosmos* reported. In addition to geological evaluation, the team used “newspaper articles, historical records, scientific reports, databases, and data from various ocean recording devices, like

wave buoys and tide gauges.” The data can help “protect the future of coastal communities.” <https://cosmosmagazine.com/geoscience/irish-researchers-produce-15-000-year-wave-map>

Medical records. A report in the *Journal of the American Medical Association* found that using coal, charcoal, and wood for cooking and heating homes in rural China creates “significantly higher risks of cardiovascular mortality . . . and all-cause mortality” because these fuels “generate a large amount of pollutants such as fine particulate matter.” The study was based on studying 271,217 adults from 5 rural areas between June 2004 and July 2008 with a follow-up on deaths until 1 January 2014. Because millions of people worldwide use such fuels to cook and heat homes, the study has global significance. https://jamanetwork.com/journals/jama/article-abstract/2677446?resultClick=1&utm_source=STAT+Newsletters&utm_campaign=9641c71303-MR&utm_medium=email&utm_term=0_8cab1d7961-9641c71303-149736437&redirect=true

Using the 2013-14 and 2014-15 U.K. “Hospital Episode Statistics inpatient database, which contains information about all patients admitted to National Health Service hospitals,” and extracting “a cohort of people aged 75 years and older who were discharged from hospital,” researchers created a model of the characteristics of frailty that older people show. The study was published in *The Lancet*; the researchers say the model, called the “Hospital Frailty Risk Score,” will provide “hospitals and health systems with a low-cost, systematic way to screen for frailty and identify a group of patients who are at greater risk of adverse outcomes and for whom a frailty-attuned approach might be useful.” [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(18\)30668-8/fulltext?elsca1=etoc](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)30668-8/fulltext?elsca1=etoc)

Privacy. Google won one and lost one in cases on the “right to be forgotten” in the United Kingdom. Two men asked Google to remove links to convictions of past crimes, and the judge ordered the removal in one case and rejected the request in the other. *BBC News* reported that the judge explained the difference in the decisions by saying one of the men had continued to “mislead the public” while the other had “shown remorse.” <http://www.bbc.com/news/technology-43752344>

Police in California compared DNA collected from a 1980 crime scene with DNA data on the genealogy website GEDmatch. The results led them to distant relatives, creating “a pool of potential suspects under the same family tree that investigators eventually narrowed down” to the suspect, who was arrested, reported *STAT*. The revelation that DNA information on a company’s website can be used by law enforcement set off a debate over privacy, with privacy advocates saying that sharing a customer’s genetic information with law enforcement “represents Orwellian state overreach.” https://www.statnews.com/2018/04/26/genealogy-golden-state-killer-privacy/?utm_source=STAT+Newsletters&utm_campaign=dde7cddac6-MR&utm_medium=email&utm_term=0_8cab1d7961-dde7cddac6-149736437

Refugees. To calculate the duration of exile, World Bank researchers used the Population Statistics Database compiled and maintained by the United Nations High Commissioner for Refugees (UNHCR) that “records the number of ‘persons of interest’ to UNHCR in each year since 1951 and for each situation” (a “situation” is a pair of host and origin countries; for example, Bangladesh and Myanmar). They excluded persons relocated within the same country and Palestinian refugees who are not under UNHCR protection. They noted that today’s refugee crisis is the second largest since 1951 and is global, with the average duration of exile “at around 10.3 years at the end of 2015, with a median duration of 4 years” (that is, half of the refugees worldwide had spent 4 or more years in exile). They listed the problems created by long exile: “With the passing of time, temporary lack of schooling turns into illiteracy, pressures on social or urban services gradually weaken systems, and the humanitarian response eventually becomes financially unsustainable.” <http://documents.worldbank.org/curated/en/549261472764700982/pdf/WPS7810.pdf>

Technology. *MIT Technology Review* published an article on the use of blockchain by the World Food Programme (WFP) to distribute “cash-for-food aid to over 100,000 Syrian refugees in Jordan.” The WFP executive managing the project said he hopes to develop a “digital wallet” of data that could let refugees store their vital records online in encrypted form, explaining, “Syrian refugees using such a system . . . could regain legal identities that were lost along with their documents and assets when they fled their homes.” <https://www.technologyreview.com/s/610806/inside-the-jordan-refugee-camp-that-runs-on-blockchain/>

World War II. In response to a request by a professor at Shiga University of Medical Science, Japan's National Archives disclosed for the first time an official document providing the names of 3,607 people who were members of Unit 731, "a notorious branch of the imperial Japanese army that conducted lethal experiments on Chinese civilians in the 1930s and 40s as it sought to develop chemical and biological weapons," *The Guardian* reported. The document is dated 1 January 1945 and lists "the names, ranks and contact details of more than 1,000 army medics, as well as dozens of doctors, surgeons, nurses and engineers." <https://www.theguardian.com/world/2018/apr/17/japan-unit-731-imperial-army-second-world-war>

A Polish historian browsing on eBay found two files of German-origin documents, both marked "secret," that appear to date from autumn 1939, one containing plans and maps "detailing potential targets" in Warsaw and the other with 100 photographs of destroyed buildings "in what appears to be an assessment by the Germans of their plans," reported *The Telegraph*. Polish historians said the documents suggest "the Nazis from the outset intended to inflict maximum civilian casualties and disrupt civil life." <https://www.telegraph.co.uk/news/2018/04/12/nazi-plans-total-destruction-warsaw-found-ebay/>

The Museum of Photography in Berlin is accessioning the personal archives of Leni Riefenstahl, the controversial film-maker of the Nazi regime who died in 2003. The "700 cases" of materials from the estate include "photographs, films, letters, documents, even her diving suit and gowns, as well as boxes of film rolls dating back to the 1920s," reported *The Guardian*. A biographer of Riefenstahl said "she was sceptical that anything of historical substance would emerge from the estate due to the amount of evidence Riefenstahl herself destroyed after 1945." <https://www.theguardian.com/world/2018/apr/24/berlin-museum-offers-glimpse-of-leni-riefenstahl-estate>

A medical historian at Vienna's Medical University published a paper in the journal *Molecular Autism* in which he said that pediatrician Hans Asperger, after whom the Asperger syndrome (a form of autism) is named, "was an active participant in the Nazi regime, assisting in the Third Reich's so-called euthanasia programme and supporting the concept of racial hygiene by deeming certain children unworthy to live." The researcher used "documents from state archives, including Asperger's personnel files and patient case records," in what the journal editors called "meticulous research," reported *The Guardian*. <https://www.theguardian.com/world/2018/apr/19/hans-asperger-aided-and-supported-nazi-programme-study-says>

Bilateral and multilateral news.

Al-Qaeda/India. Samiun Rahman is on trial in New Delhi for "terrorist acts," reported *India Today*. The National Investigation Agency alleges that he is a British Al-Qaeda member, who was "assigned the task of establishing its base in the Indian subcontinent." The "charge sheet" includes "a total of 536 chats retrieved from Telegram and other protected messaging apps that he used to stay in touch with . . . alleged al-Qaeda associates in India, Bangladesh, Syria and other countries." The "emir of al-Qaeda in the Subcontinent" released an audio calling on Muslims to "wage jihad against Hindus." <https://www.indiatoday.in/india/story/rohingya-terror-suspect-reveals-al-qaeda-s-india-plan-1210255-2018-04-12;>
<https://www.indiatoday.in/india/story/exclusive-ias-ips-officers-on-al-qaeda-kill-list-1218667-2018-04-24>

Belgium/Rwanda. The director general of Belgium's Royal Museum for Central Africa told *The East African* that the museum will, during the next 2 years, digitize archives related to Rwanda and give the digital copies to Kigali; however, "some private documents will need special permission from the Belgian Privacy Commission" before transfer, such as those involving "children from mixed marriages." The materials in Belgium include "10 million copies of German archives, 65 million copies relating to Rwanda-Burundi . . . as a protectorate of Belgium, their territorial and administration services and archives of research institutes during the colonial era." <http://www.theeastafrican.co.ke/news/Belgium-to-return-Rwandan-files-in-2-years/2558-4361162-r5rf62z/index.html> <http://allafrica.com/stories/201803280457.html>

Bolivia/United States. Civil unrest in Bolivia peaked in September and October 2003 when the Bolivian military killed at least 50 citizens and injured hundreds more. The president, Gonzalo Sanchez de Lozada, and the defense minister, Jose Carlos Sanchez Berzain, fled to the United States. In 2007 the families of Bolivians killed in the unrest filed suit against the two in a U.S. federal district court under the Alien Tort Statute. After ten years of legal proceedings, on 3 April the jury found the former

president and defense minister responsible for extrajudicial killings carried out by the Bolivian military in September and October 2003. The plaintiffs were awarded a total of \$10 million in compensatory damages. It is the “first time in U.S. history that a former head of state has sat before his accuser in a U.S. human rights trial,” reported *Eurasia Review*. The two defendants asked the judge to overturn the jury’s finding. http://www.eurasiareview.com/04042018-jury-finds-former-bolivian-president-and-defense-minister-responsible-for-extrajudicial-killings-of-indigenous-people/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Canada/Vatican. “The Canadian Conference of Catholic Bishops has claimed in recent weeks, in defence of a statement that Pope Francis could not ‘personally respond’ to the Truth and Reconciliation Commission’s request for an apology for residential schools, that the Catholic church itself could not be blamed for the abuses committed at the institutions.” However, *CBC News* obtained records the Ontario Provincial Police [OPP] seized during a raid of the Oblates of Mary Immaculate offices in Ottawa in 1995, including a memo addressed to the order’s leadership in Rome. “The OPP records along with historical files reveal that the Catholic hierarchy in Canada, from the cardinal level down to the bishop, were deeply involved with residential schools and their fingerprints are even found in the Indian Act.” <http://www.cbc.ca/news/indigenous/residential-schools-letters-catholic-hierarchy-1.4635275>

Caribbean former colonies/United Kingdom. After World War II, residents of the Caribbean colonies of Britain migrated to the U.K. and helped it rebuild. The first ship carrying these colonials was the Empire Windrush that arrived in June 1948, and the migrants from then until 1971 are called the “Windrush generation.” Today up to 50,000 British residents of Caribbean origin are “struggling to obtain citizenship rights—with some being refused healthcare or not being allowed back into the UK after family visits—by Home Office officials demanding they prove their right to remain in the UK,” *The Telegraph* reported. “Landing cards” of the passengers would help prove the status of the immigrants and their descendants, but in 2010 the Home Office destroyed them, saying the decision was made on data protection grounds. The National Archives holds passenger arrival ledgers from the late 19th century through 1960, which will help a portion of the Windrush population. As the outrage over the destruction of the landing cards grew, the Black Cultural Archives urged the government to transfer records to it if the central archives can no longer hold them. <https://www.standard.co.uk/news/uk/black-cultural-archives-urge-government-to-hand-over-important-documents-to-avoid-second-windrush-a3819081.html>; <https://www.theguardian.com/uk-news/2018/apr/17/home-office-destroyed-windrush-landing-cards-says-ex-staffer>; <https://www.telegraph.co.uk/news/2018/04/21/shipping-landing-lists-back-windrush-migrants-case/>

France/Tunisia. Sixty Tunisian historians denounced the interpretation of archival documents by the Truth and Dignity Commission, saying the selective use of the archives created a “false truth” about the economic relationship between France and Tunisia in the “independence era,” *webdo* reported. For background, see *HRWG News* 2018-03. <http://www.webdo.tn/2018/03/22/ben-sedrine-a-manipule-archives-de-lindependance-selon-historiens-tunisiens/>

Israel/Lebanon. Israel’s military archives “released a significant number of documents relating to the first and second Tyre disasters in Lebanon,” the *Jerusalem Post* reported. Israel invaded Lebanon in June 1982, and on 11 November the headquarters building of the Israeli forces in Tyre collapsed, killing 91 people, including 15 Lebanese who had been detained by the Israeli forces. The second Tyre disaster was a suicide car bombing that killed 60 people, including 31 detainees. Israel’s deputy defense minister said that “families now have permission to access the large majority of documents” relating to the investigations of the incidents, noting that families “generally knew what happened [but] never received all the documents or reports.” <http://www.jpost.com/Israel-News/Defense-Ministry-publishes-archive-of-1980s-Tyre-blasts-in-Lebanon-550129>

Latin America. The Igarape Institute, a nongovernmental organization based in Argentina, released a study of homicide in Latin America. Using data from the United Nations Office for Drugs and Crime and from “national police, ministries of interior, justice, defense, and health, national statistical offices and national institutes of legal medicine and forensic studies,” the Institute’s “Homicide Monitor” dataset showed that “Latin America is home to just 8% of the world’s population, but 33% of its homicides.” Brazil, Colombia, Mexico and Venezuela “account for a quarter of all the murder on Earth” and “more than a third of all Latin Americans reported being a victim of violent crime in 2016.”

<https://igarape.org.br/en/latin-america-is-the-worlds-most-violent-region-a-new-report-investigates-why/>;
<https://www.economist.com/news/briefing/21739954-latin-americas-violent-crime-and-ways-dealing-it-have-lessons-rest>

Liberia/United States. A U.S. federal court sentenced Liberian war criminal Mahammed Jabbateh to 30 years in prison after a jury found him guilty of “committing fraud in his U.S. immigration documents and perjuring himself during his immigration interviews” by denying his “criminal activities as a high-ranking rebel commander during the first Liberian Civil War in the early 1990s.” During his October 2017 trial, 23 witnesses testified about Jabbateh and the war. *International Justice Monitor* said, “The testimony was significant because this was the first time anyone has been held accountable for crimes committed during Liberia’s First Civil War and the first time victims had been given an opportunity to tell their stories in a courtroom.” For background, see *HRWG News* 2017-10. https://www.ijmonitor.org/2018/04/liberian-war-criminal-jungle-jabbah-sentenced-to-30-years-imprisonment/?utm_source=International+Justice+Monitor&utm_campaign=0495c824c8-international-justice-news&utm_medium=email&utm_term=0_f42ffeffb9-0495c824c8-49700673

Lithuania/Russia. In September 2017 Lithuania’s parliament rejected a bill that would have published the names of former KGB agents who had admitted their past; currently the information is closed for 75 years. *The Baltic Times* reported, “In a report of national security threats presented in March, Lithuania’s intelligence institutions stated that Russian security was targeting public servants in Lithuania who had not declared their collaboration with the KGB, using the information stored in Russia’s archives for the purpose.” The bill has been reintroduced. https://www.baltictimes.com/lithuania_s_polish_mp_again_seeks_publishing_info_on_admitted_ex-kgb_agents/

Mexico/United States. The *Washington Post* reported that in detention facilities in southern Mexico and in Mexico City the U.S. government has “scores of screening terminals to collect migrants’ fingerprints, ocular scans, and other identifying features, including tattoos and scars,” gaining “unprecedented access” to capture biometric data and “a wider view into the identities and backgrounds of those often headed for the border” between the two countries. Over the past 13 months the U.S. “gathered data on more than 30,000 migrants at immigration detention facilities.” The data have enabled both the U.S. to block immigrants and Mexico to transfer to the U.S. “dozens of criminal fugitives and suspects wanted.” <http://www.standard.net/National/2018/04/07/US-data-gathering-on-migrants-in-Mexico-at-risk>

Middle East war. Amnesty International said in a report that “women believed to have links to the Islamic State militant group suffer ‘harrowing’ sexual exploitation and discrimination in Iraq’s refugee camps.” The *Thomson Reuters Foundation* said that several other rights organizations working in Iraq confirmed the reports of abuse, adding, “Many are at added risk if they are illiterate and do not know how to obtain identity documents for access to government help or food aid.” For background, see *HRWG News* 2018-02. <http://news.trust.org/item/20180417000141-32ve6/>

Using records from “a cache of some 700,000 records that have been smuggled out of Syria by defectors, activists and others and meticulously collected by the Committee for International Justice and Accountability, which wants to build war-crimes cases against the government,” lawyers for the family of Marie Colvin, a journalist who was killed in an artillery barrage in Syria in 2012, filed a wrongful death lawsuit against the Syrian government and 9 Syrian security officials, the *New York Times* reported. <https://www.nytimes.com/2018/04/09/world/middleeast/syria-marie-colvin-death.html>

Philippines/United States. Teams of Philippine researchers are scanning the records of the Philippine Archives Collection in the U.S. National Archives. The post-World War II Guerrilla Unit Recognition Files are allowing families to “pinpoint the last location of the men killed who are missing in action,” a researcher told the *Philippine Daily Inquirer*. Some heirs of guerrilla fighters did not receive post-war pensions or monetary compensation by the board that recognized claims of the veterans, and the records may enable these heirs to put forth a claim. The board closed in 2013; the government would have to create a new board to process further pension claims. <http://newsinfo.inquirer.net/981299/more-ph-war-files-not-yet-accessible>; <https://newsinfo.inquirer.net/981049/untold-stories-of-ph-war-heroes-kept-in-us-archives>

St. Kitts and Nevis/United States. The U.S. Food and Drug Administration launched a criminal investigation into research by a U.S. university professor, now dead, who injected people both in the U.S. (in 2013) and in St. Kitts and Nevis (2016) “with his unauthorized herpes vaccine,” reported *Kaiser*

Health News. The professor's company, Rational Vaccines, "said it considered the 2016 trial a success-- though it is unclear what data it used to support that claim." https://khn.org/news/fda-launches-criminal-investigation-into-unauthorized-herpes-vaccine-research/?utm_source=STAT+Newsletters&utm_campaign=91f8323149-MR&utm_medium=email&utm_term=0_8cab1d7961-91f8323149-149736437

National news.

Algeria. The International Committee of the Red Cross (ICRC) gave the national archives of Algeria copies of 30,000 documents from its archives relating to the work of the ICRC during the Algerian war of liberation. Thanks to Perrine Canavaggio for the information. <http://radioalgerie.dz/news/fr/article/20180426/139797.html#.WuLaqeAaGT4.mailto>

Canada. *CBC News* obtained "thousands of pages" of Ontario Provincial Police files from 1992 to 1998 about crimes alleged to have occurred at the St. Anne's residential school for indigenous children between 1941 and 1972. The federal government obtained the Ontario police case files in 2003. In a complex legal case the Ontario Superior Court forced the government to disclose the files to the school's survivors, who found that they "lost compensation cases because adjudicators doubted the veracity of their claims as a result of the incomplete record." They want the government to reopen the Independent Assessment Process claims that were decided before the police files were disclosed. <https://newsinteractives.cbc.ca/longform/st-anne-residential-school-opp-documents>

The UN Special Rapporteur on violence against women (VAW) visited Canada, and in her preliminary report, after congratulating Canada on steps to protect women's rights and combat violence, she said, "I would like to note that I have received some official general data on VAW but yet there is a lack of comparable data on specific forms of violence and gender-related killings of women or femicide, which would be very much needed for evidence-based policy making." <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22981&LangID=E>

The province of New Brunswick announced, "Effective April 1, 2018, adult adoptees and birth parents who have had a child placed for adoption will be able to apply for access to identifying information." http://www2.gnb.ca/content/gnb/en/departments/social_development/promos/adoption.html

In what *CBC News* said may be the longest ever extension of an access to information request, a researcher who asked Library and Archives Canada for files from the 1993-2003 Royal Canadian Mounted Police investigation into money laundering and public corruption was told that the records will become public in another 80 years. <http://www.cbc.ca/news/politics/rcmp-access-information-money-laundering-legault-dagg-delay-extension-1.4616137>

China. The Communist Party passed the "Heroes and Martyrs Protection Law" on 27 April, which makes it a criminal offense to misrepresent, defame, profane or deny the deeds and spirits of heroes and martyrs, or to praise or beautify invasions," *DW* reported, quoting the official Xinhua news agency. *DW* added, "The law stemmed from a 2016 case, when a Beijing court ordered a historian to apologize for two essays written in 2013 that questioned if the story of the 'Five Heroes of Langya Mountain'-- Communist soldiers who jumped to their death from a mountain peak instead of surrendering to Japanese troops--really happened." The law is likely to change the research done in archives. <http://www.dw.com/en/china-criminalizes-defamation-of-revolutionary-heroes/a-43563461?maca=en-rss-en-all-1573-rdf>

Colombia. On 12 March the then-executive secretary of the Special Jurisdiction for Peace (SJP), the body that is to try the cases arising from Colombia's long civil war with the FARC guerrilla group, issued an order to transfer responsibility for the protection of the archives of the former Administrative Department of Security (DAS) to the SJP. The order "was not well received by all the judges," but more than 60 human rights organizations and individuals made a public announcement supporting the order, reported *El Espectador*. The DAS records are stored in a facility of the national archives. https://www.elespectador.com/noticias/judicial/60-organizaciones-de-ddhh-respaldan-peticion-de-medidas-cautelares-archivos-del-das-articulo-747917?utm_source=ICA+Members+and+contacts+Newsletter&utm_campaign=2ba5d52d2b-EMAIL_Newsletter_April_2018&utm_medium=email&utm_term=0_84a7f06290-2ba5d52d2b-225732189

Denmark. *Politiken* reported that although Danish law says “sensitive personal information must be deleted no more than 15 years” after it has been obtained by the police security service, the police “transferred an unknown amount of data to a secret database,” calling it “logical deletion.” An Amnesty International lawyer said, “It is pure George Orwell to call this ‘logical deletion,’ as it is neither logical nor a deletion.” Despite the deletion requirement, the national archives determined that some of the information was permanently valuable. The police have not transferred the records to the archives, apparently because of security concerns. <https://www.thelocal.dk/20180403/danish-police-security-held-kept-deleted-data-in-secret-archive-report>

Egypt. A court found the Titan cement company “guilty of causing environmental pollution and violating the neighboring residents’ right to health,” the Egyptian Initiative for Personal Rights reported. Community members living near the plant submitted to the court “dozens of still images and videos of the emissions from the plant’s chimney.” For background, see *HRWG News* 2017-07. <https://eipr.org/en/press/2018/03/titan-cement-wadi-al-qamar-convicted-causing-environmental-and-health-harm>

Kosovo. A European Union rule-of-law mission (EULEX) prosecutor indicted 3 people for “trading in influence, fraud and falsifying documents to gain Kosovo Liberation Army war veteran status,” *BIRN* reported. The status verification process, which if successful leads to financial benefits, has been “fraught with difficulties.” http://www.balkaninsight.com/en/article/kosovo-charges-three-with-faking-war-veterans-documents-04-18-2018?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=e52a22bee1-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-e52a22bee1-319755321

Libya. The United Nations High Commissioner for Human Rights published a report on “arbitrary and unlawful detention in Libya.” The information in the report is based on monitoring of prisons and “other detention facilities” by the United Nations Support Mission in Libya, plus interviews with “a broad range of sources” and “medical and police records, forensic reports, court documents and photographic and audiovisual evidence.” The report says “armed groups on all sides have rounded-up suspected opponents” and hostage taking is “common.” In October 2017 official prisons held an estimated 6,500 people, “while thousands more” were held in other facilities “notorious for endemic torture and other human rights violations or abuses.” http://www.ohchr.org/Documents/Countries/LY/AbuseBehindBarsArbitraryUnlawful_EN.pdf

Mexico. In a searing report, the National Citizen Observatory of Femicides said that, based on information from 25 states, 8,904 women were murdered between 2014 and 2017, but only 24% of the deaths were investigated by police. The Observatory deplored the lack of action and information about the crimes. <http://observatoriofemicidiomexico.org.mx/comunicado/comunicado-impera-dolo-e-impunidad-en-los-femicidios-en-mexico/>

Pakistan. “According to the Federal Ministry of Human Rights, at least 936 bodies of ‘disappeared’ persons, often mutilated and bearing signs of torture, have been found in Balochistan since 2011, pointing to large-scale extrajudicial killings by state agencies and their proxies,” *South Asia Intelligence Review* reported. “The International Voice for Baloch Missing Persons claimed to have recorded 1,200 cases of dumped bodies” and said many such killings “went undocumented.” After the Human Rights Commission released its annual report which highlighted an increase in forced disappearances, “armed men subsequently entered [the] Lahore home of [the] report’s editor Maryam Hassan, taking laptop, mobile and USB devices and interrogating her about her work,” *CrisisWatch* reported. <http://www.satp.org/south-asia-intelligence-review-Volume-16-No-44>; https://www.crisisgroup.org/crisiswatch?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=0e9599b059-EMAIL_CAMPAIGN_2018_05_02&utm_medium=email&utm_term=0_1dab8c11ea-0e9599b059-359425329#overview

Peru. At least 300,000 women were forcibly sterilized during the presidency of Alberto Fujimori (1990-2000), and “official data says that 18 women died as a result of the procedure,” reported *telesur*. An earlier case against the government failed, but now the families of 5 of the women who died have filed new charges. For background, see *HRWG News* 2017-05. https://www.telesur.tv/net/english/news/Peru-Fujimori-Faces-New-Charges-Over-Forced-Sterilizations-20180426-0026.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=12

Russia. Yuri A. Dmitriev, a Russian historian and the director of the nongovernmental human rights group Memorial in the region of Karelia, was acquitted of child pornography charges, *The Weekly Standard* reported. For background see *HRWG News* 2017-04. <https://www.weeklystandard.com/priscilla-m-jensen/show-trial-ends-in-acquittal-for-russian-activist-yuri-alexejevich-dmitriev>

The Gulag History State Museum opened an archival center in Moscow to “help descendants discover the fate of their family members” who were sent to the forced labor camps. The center “houses a library, an interactive map of the Gulag camps accessible on computer screens and a growing archive of interviews with victims and descendants, and potentially even former prison guards,” *The Art Newspaper* reported. The information in the center “draws from Memorial’s database,” and the center “will work with government archives to add information.” The latter will be difficult because many of the relevant “records are held by the Ministry of Internal Affairs and the Federal Security Service, successor agencies of Stalin’s secret police, which perpetrated the repressions.” A further complication is that since 2014 Memorial has been under the government’s “foreign agent” restrictions. <https://www.theartnewspaper.com/news/moscow-museum-opens-gulag-archives>

Using data “recently released by the Russian Supreme Court,” a specialist on extremist crimes for the nongovernmental SOVA monitoring center found that “approximately 95% of all charges of extremism brought by Russian officials involves posting of various kinds on the Internet,” *Eurasia Review* reported. http://www.eurasiareview.com/29042018-95-percent-of-extremism-charges-in-russia-arise-from-internet-postings-oped/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

South Africa. In 2016 the South African History Archives (SAHA) appealed to the Johannesburg high court on the denial of an access to information request for records of the South African Reserve Bank relating to 6 people “who are alleged to be involved in busting sanctions that were imposed by the United Nations” against South Africa’s former apartheid regime. The court dismissed the appeal and ordered SAHA to pay court costs of around 2.7 million Rand. SAHA “now faces possible bankruptcy,” the *Mail and Guardian* wrote. SAHA is appealing. <https://mg.co.za/article/2018-04-03-court-order-could-bankrupt-south-african-heritage-archive>

The SAHA case was filed on behalf of Hennie van Vuuren, the director of Open Secrets, an “institution focusing on accountability for economic crimes and human rights violations.” In an interview with *HuffPost SA*, he discussed the need for and process of declassifying documents from the apartheid era. https://www.huffingtonpost.co.za/2018/04/18/watch-declassifying-documents-where-are-they-and-how-do-we-do-it_a_23414351/

Spain. The Institute of Military Culture and History applied the Official Secrets Act of 1968 retroactively and as of 1 April closed all Army documents that are marked “secret” or “reserved,” regardless of their age or origin. HRWG member Antonio Gonzalez Quintana, who was head of the military archives from 1994 to 2003, told *El Pais* that the decision is “incredible” and “lacking any legal or juridical basis.” After protests by historians, archivists and archival associations in Spain, the Army revoked the decision but then announced a special procedure to consult documents classified before 1968. To follow the campaign against the new restrictions, see the Twitter account #SecretosLosJustos or #ArchivosMilitares. Thanks to Antonio for the explanation and links. https://politica.elpais.com/politica/2018/04/11/actualidad/1523475242_646436.html?utm_source=ICA+Members+and+contacts+Newsletter&utm_campaign=2ba5d52d2b-EMAIL_Newsletter_April_2018&utm_medium=email&utm_term=0_84a7f06290-2ba5d52d2b-225732189; https://politica.elpais.com/politica/2018/04/12/actualidad/1523546195_636962.amp.html?_twitter_impression=true

Switzerland. The government released a heavily-redacted version of a 1991 report on an anti-communist paramilitary group known as P26 which, *The Local* said, “operated outside of government control.” A parliamentary committee is “still continuing to search” for 7 folders and 20 dossiers that were used in preparing the report. The Defense minister said the ministry “transferred all of our files to the national archives” and does not have any additional documents on the group. <https://www.thelocal.ch/20180430/switzerlands-secret-cold-war-y-army-missing-files-have-disappeared>

United Kingdom. A fire in February destroyed a building housing records of the Ulster Defence Regiment, a unit that has been accused of colluding with loyalist paramilitaries during Northern Ireland’s years of “Troubles.” Amnesty International told *Belfast Live* that the destruction “will

undoubtedly be a source of anxiety to families who may fear that important UDR records from the Troubles era could have been lost and would therefore not now be available to any historical investigations or inquests into the deaths of loved ones. The Ministry of Defence should make clear what documents – if any—were lost or damaged in this blaze. Where possible, it would be preferable if such archives were held by the National Archive in Kew.” <https://www.belfastlive.co.uk/news/belfast-news/fears-ulster-defence-regiment-documents-14582057>

United States. In response to a freedom of information request to the Department of Homeland Security’s Inspector General (IG), *The Intercept* obtained documentation of 1,224 complaints filed between 2010 and September 2017 “primarily” about incidents of sexual abuse while in immigration detention. The IG investigated 30 of these complaints plus an additional 13 cases whose records were not provided; it found only 3 to be “substantiated.” Last August the American Civil Liberties Union and others protested to the National Archives about a proposed records schedule from the Immigration and Customs Service that would allow it to begin destroying records relating to abuse in detention. *The Intercept* reported that that schedule is now being revised. For background, see *HRWG News* 2017-08. <https://theintercept.com/2018/04/11/immigration-detention-sexual-abuse-ice-dhs/>

The Department of Health and Human Services (HHS) told Congress that it “lost track of nearly 1,500 migrant children last year after a government agency placed the minors in the homes of adult sponsors in communities across the country,” the *Associated Press* reported. Using records of placements, HHS “called 7,635 children the agency had placed with sponsors, and found 6,075 of the children were still living with their sponsors, 28 had run away, five had been deported and 52 were living with someone else. The rest were missing.” <https://www.apnews.com/a92409ad458742ad952fed5596c36a3>

ProPublica and the *Chronicle of Higher Education* published an investigation into children put at risk by treatments given to them by a child psychiatrist at the University of Illinois at Chicago. They obtained “hundreds of documents” related to studies in which she “violated research rules by testing the powerful drug lithium on children younger than 13 although she was told not to, failed to properly alert parents of the study’s risks, and falsified data to cover up the misconduct.” The university repaid the National Institute of Mental Health the \$3.1 million which it granted for the study. https://www.propublica.org/article/university-of-illinois-chicago-mani-pavuluri-3-million-research-breakdown?utm_source=STAT+Newsletters&utm_campaign=dde7cddac6-MR&utm_medium=email&utm_term=0_8cab1d7961-dde7cddac6-149736437

The Society of American Archivists wrote to the U.S. Senate Select Committee on Intelligence opposing the nominee to be director of the Central Intelligence Agency. Gina Haspel, the nominee, was involved in destroying records documenting torture during CIA interrogations. For background, see *HRWG News* 2010-11. <https://www2.archivists.org/news/2018/saa-opposes-haspel-nomination-for-cia-director>

The Securities and Exchange Commission (SEC) issued guidance on the records retention requirements of “third-party recordkeeping service providers.” The SEC recognized that many of the businesses it regulates use commercial services to keep their records, whether physically or in the cloud. The SEC said that the third party holding the records is under the same requirements to preserve records as if they were still in the original offices and the “broker-dealer” has a responsibility to make sure the records keeper knows what the requirements are. With ever more organizations using external recordkeeping services, this opinion is a useful statement. <https://www.natlawreview.com/article/sec-confirms-record-retention-requirements-third-party-recordkeeping-services>

Publications. *The United Nations Principles to Combat Impunity: A Commentary*, published by Oxford University Press, provides a principle-by-principle analysis of the United Nations Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity (often called the Joint-Orentlicher Principles). These Principles are referenced in both the ICA “Principles of Access to Archives” and the ICA Working Document “Basic Principles on the Role of Archivists and Records Managers in Support of Human Rights.” <https://global.oup.com/academic/product/the-united-nations-principles-to-combat-impunity-a-commentary-9780198743606?cc=ch&lang=en&>

Cambridge University Press released as open access *New Technologies for Human Rights Law and Practice*, which “provides practical insight and strategies to address how new technological innovations provide opportunities to promote and protect human rights but at the same time, they pose risks, including issues of accountability and transparency and the role of human rights in regulating providers of such technology.” <https://www.cambridge.org/core/books/new-technologies-for-human-rights-law-and-practice/A6473E8A4F6A9ED12675E54A03318802>

The Sedona Conference seeks comments, through 19 June, on its draft *Incident Response Guide*. The publication provides “a comprehensive but practical guide to help practitioners and organizations deal with the multitude of legal, technical, and policy issues that arise whenever a data breach occurs.” <https://www.law.com/legaltechnews/2018/03/29/the-sedona-conference-releases-incident-response-guide-for-public-comment/>

Cardozo Law School in New York City held a panel discussion on access to the records of the El Salvador Truth Commission, which are held in the United Nations archives. A video of the event is <https://cardozolaw.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=a4314b1e-1225-4559-ae10-a8cb00f4635f>

Good read: “Architecture’s Forensic Gaze.” <https://www.nytimes.com/2018/04/06/arts/design/forensic-architecture-human-rights.html>

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