
News of December 2018
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Commentary. As we start a new year and look back on the tumult of the one just past, here are items from each month of *HRWG News* in 2018 that, taken together, illustrate the diversity of human rights issues that include archives. Best wishes for the year ahead!

January. One of the twins born of a Canadian surrogate mother from the mixed sperm of two male donors was found, through DNA testing, to be the child of the U.S. citizen donor, so the child was automatically a U.S. citizen and entitled to a U.S. passport, and the other twin, born of an Israeli donor, was not.

February. Setting an important precedent, the Inter-American Court of Human Rights issued an advisory opinion that a healthy environment is a right “fundamental to the existence of humanity” and that States must avoid causing “significant” environmental damage inside or outside their territory and provide access to information related to potential environmental harms.

March. The Commission on Human Rights in South Sudan took over 230 detailed individual witness statements and gathered over 58,000 documents, including confidential records, covering incidents in South Sudan since December 2013, but warned that “every day . . . documentary evidence is lost, concealed or destroyed.”

April. U.S. police compared DNA collected from a 1980 crime scene with DNA data on the genealogy website GEDmatch and found distant relatives of the suspect, who was arrested.

May. A study found that physicians who use stigmatizing language in their patients’ medical records may affect the care those patients get for years to come.

June. Using massive quantities of video footage of the February 2014 protests in Kiev, Ukraine, a research team reconstructed the deaths of three protesters to identify the sources of the bullets that killed them and created a composited video that was accepted as evidence by the criminal court hearing a case against five police officers.

July. Germany’s Federal Court of Justice ruled that heirs should have access to the Facebook accounts of the deceased.

August. Israel’s Justice Minister instructed the Israel State Archives to release some 300,000 files relating to the children of Yemeni immigrants, whose disappearance after their arrival in Israel over a half century ago has been at the center of a lingering controversy.

September. India’s Supreme Court upheld the constitutionality of the government’s massive biometric identification and registration project, Aadhaar, but with restrictions.

October. The Peace Research Institute Oslo, Norway, used 20 years of statistical studies on the relationship between education and political violence and found the “lack of male education appears to be the strongest predictor of conflict.”

November. A Canadian judge ruled in favor of access to records of the Truth and Reconciliation Commission, citing the ICA position on access.

December. DNA tests on ancient remains in Australia and on samples from Indigenous people living in the area where the remains were found show clear links; this may enable repatriation of Indigenous human remains when provenance documentation is lacking.

International news.

Inter-American Court of Human Rights. In the case of *Ordenes Guerra et al. v. Chile*, seven groups of persons filed for compensation by the state for the “disappearance and/or execution of family members” by agents of the state in 1973 and 1974. Because they filed for reparations after the statutory period for compensation closed, Chile rejected their applications. The Court noted that the victims were on a list of victims of rights violations that was prepared by the National Commission on Truth and Reconciliation in 1991, and the Court ordered Chile to pay the “compensatory allowances and reimburse the expenses and publish the judgment.” http://www.corteidh.or.cr/docs/comunicados/cp_60_18.pdf

Another case, *Isaza Uribe et al. v. Colombia*, concerned the enforced disappearance as of November 19, 1987, of workers union member Victor Manuel Isaza Uribe. The Court ordered Colombia to make a “rigorous search” to determine the whereabouts of Isaza Uribe, which should surely include the use of relevant archives. http://www.corteidh.or.cr/docs/comunicados/cp_55_18.pdf

The case of *Omeara Carrascal et al. v. Colombia* related to three members of a family who were attacked and killed in 1994 by the coordinated work of state security forces and an unlawful paramilitary group. The Court said that the “failure to establish an adequate link between each of the investigations and proceedings involving the presumed victims in this case could have obstructed the elucidation of the facts and the identification of those responsible.” In other words, there was no consolidated case file or, at the least, adequate links between the files. http://www.corteidh.or.cr/docs/comunicados/cp_54_18.pdf

International Criminal Court (ICC). Patrice-Edouard Ngaïssona, a Central African Republic (CAR) militia commander, was arrested in Paris and turned over to the ICC, where he is wanted on suspicion of crimes against humanity and war crimes in the western part of CAR between December 2013 and December 2014. <https://reliefweb.int/report/central-african-republic/war-crimes-suspect-patrice-edouard-ngaissona-turned-over-icc-glimmer>

Organization of American States (OAS). The OAS Compliance Committee for the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women sent a letter to Argentina’s Supreme Court criticizing a court decision that acquitted three men for drugging, raping and killing a 16-year-old girl. A lawyer for the Committee said, reported *telesur*, “The victim was studied meticulously and all of her private life was put on display (before the court): testimonies from friends, relatives, WhatsApp messages, chats. . . . However, when prosecutors tried to enter into evidence how the main defendant was visiting porn pages, the judges were outraged and protected his constitutional right to privacy.” https://www.telesurenglish.net/news/OAS-to-Argentina-Supreme-Court-Rectify-Femicide-Case-Ruling-20181202-0009.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=10

United Nations. The UN Committee on Enforced Disappearances published “Draft Guiding Principles for the Search for Disappeared Persons” in December 2018 and invites all interested parties to submit written contributions by 25 January 2019. <https://www.ohchr.org/EN/HRBodies/CED/Pages/SearchDisappearedPersons.aspx>
For the “Draft Principles” see: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CED/GED/15/27939&Lang=en . Thanks to Lisa Ott for this information.

The head of the United Nations Investigative Team to Promote Accountability for Crimes committed by ISIL/Da’esh briefed the UN Security Council. The Team’s priorities for 2019, other than the organizational work, are “to collect and analyse existing documentary and testimonial evidence and identify gaps” and “to establish its capacity to conduct safe, targeted, field-based investigative activities.” Following the presentation, the representative of Iraq commented that the evidence collected by the Team “will eventually be used in fair and independent criminal proceedings conducted by

competent Iraqi courts. Iraq's Governments will determine any further use of that evidence on a case-by-case basis." <https://www.un.org/press/en/2018/sc13605.doc.htm>

Thomson Reuters Foundation reported that aid agencies working in the Democratic Republic of Congo accuse the UN of "manipulating data," saying that the UN Office for the Coordination of Humanitarian Affairs figures that "show a large drop in the number of displaced people are misleading." In a letter to the UN, a group representing about 45 humanitarian agencies said "overall humanitarian needs have risen during 2018 rather than decreased" and that "such cynical manipulation of critical data distorts the reality of the situation on the ground and compromises humanitarians' ability to communicate effectively on the gravity of the crisis." <http://news.trust.org/item/20181205172153-s30ka/>

Marking the 20th anniversary of the UN Declaration on Human Rights Defenders, the Special Rapporteur on the situation of human rights defenders surveyed 140 States on the implementation of the Declaration. The survey revealed "three key trends and issues: the evolution of the use of the term 'human rights defenders,' the development of mechanisms and practices to support them, and the relevance of legal and administrative frameworks for their protection." Sadly, "the World Report documents the much discussed closing of civic space and suggests that it has become, in too many locations, a war on human rights defenders." <https://www.business-humanrights.org/sites/default/files/documents/UNSR%20HRDs-%20World%20report%202018.pdf>

World/general news.

Business records. An appeals court in the U.S. state of Kentucky "upheld a judge's ruling ordering the release of secret records about Purdue Pharma's marketing of the powerful prescription opioid OxyContin, which has been blamed for helping to seed today's opioid addiction epidemic," *STAT* reported. The records include "marketing strategies and internal emails about them; documents concerning internal analyses of clinical trials; settlement communications from an earlier criminal case regarding the marketing of OxyContin; and information regarding how sales representatives marketed the drug." For background see *HRWG News* 2018-05. <https://www.statnews.com/2018/12/14/purdue-pharma-oxycontin-appeal-ruling/>

Three major palm oil producers and users—Wilmar International Limited, Mondelez, and Unilever—who have implemented "No Deforestation, No Peat, No Exploitation" in the production and sourcing of palm oil signed an agreement to "map out our suppliers' operations to ensure transparency and compliance." They are supporting "the development of a comprehensive oil palm supplier group mapping database" to enable the companies "to monitor our suppliers' land development activities, if any, using detailed forest cover and peatland baseline maps with high-resolution imagery." The consulting group Aidenvironment Asia will make the maps public. <https://www.wilmar-international.com/sustainability/wp-content/uploads/2018/12/JOINT-STATEMENT-FINAL-07122018-with-Signatures-v3.pdf>

Reports on Facebook's actions, based on its internal documents, continued. In the case of a U.K. Member of Parliament publishing confidential internal documents, see *HRWG News* 2018-11 and <https://www.telegraph.co.uk/technology/2018/12/08/facebook-fears-secret-documents-have-leaked/>; <https://www.telegraph.co.uk/technology/2018/12/01/us-judge-seizes-laptop-used-pass-facebooks-confidential-documents/>; and https://www.seattletimes.com/business/uk-parliament-releases-internal-facebook-documents/?utm_source=RSS&utm_medium=Referral&utm_campaign=RSS_all. *The New York Times* obtained "hundreds of pages" of Facebook documents that show "Facebook gave some of the world's largest technology companies more intrusive access to users' personal data than it had disclosed, effectively exempting those business partners from its usual privacy rules." <https://www.seattletimes.com/business/facebook-offered-users-privacy-wall-then-let-tech-giants-around-it/>; https://news.vice.com/en_us/article/yw74b5/facebook-let-companies-read-and-delete-your-private-messages;

In a case that must have produced a significant court file, a Brazilian appeals court upheld the 2015 ruling against the Swiss agribusiness company Syngenta for the 2007 murder of Valmir Mota de Oliveira, a member of a rural workers group that was protesting at Syngenta's genetically modified food experiment site, reported *telesur*. The company's contract security firm shot Mota de Oliveira and injured a woman. https://www.telesurenglish.net/news/Brazil-Court-Rules-Against-Syngenta-for-Murder-of-MST-Activist-20181201-0021.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=12

A court in Argentina convicted two former executives of a local Ford Motor Company plant of involvement in the 1976 kidnapping and torture of 24 workers employed by Ford at their factory on the outskirts of Buenos Aires during the 1976-83 military dictatorship, reported *Reuters*. Among their acts, the men “were accused of providing photographs, home addresses and other personal data of the victims to agents of the dictatorship so they could be abducted.” <https://www.reuters.com/article/us-argentina-rights-ford-motor/ex-ford-argentina-executives-convicted-in-torture-case-victims-may-sue-in-u-s-idUSKBN1OA25H>

Reuters published a damning report saying that the Johnson & Johnson company knew for decades that the talcum powder it sells could have traces of asbestos and hid that information from both regulators and the public. The reporters used “thousands of pages of company memos, internal reports and other confidential documents” that had been disclosed in litigation (only a few were produced at trial) and *Reuters* posted key items on its website. Johnson & Johnson immediately began a major public relations campaign for its products, running full page ads in U.S. newspapers. <https://www.reuters.com/investigates/special-report/johnsonandjohnson-cancer/>

Four days after the *Reuters* report was released, a judge in the U.S. state of Missouri upheld a verdict against Johnson & Johnson that awarded \$4.69 billion to 22 women who blamed their ovarian cancer on asbestos in the company’s Baby Power and other talc products. *Law.com* reported the judge saying, “The evidence presented at trial includes the testimony of plaintiffs’ expert witnesses, evidence of the testing of the products at issue, including defendants’ own testing, defendants’ correspondence and the testimony of defendants’ corporate representative and chief medical officer. This evidence satisfies the standards for causation under all applicable state law.” <https://www.law.com/2018/12/19/judge-upholds-4-7-billion-talc-verdict-citing-jjs-reprehensible-conduct/?sreturn=20190008174708>

Medical records. *The Lancet* reported that four governmental groups in the U.K. developed an “Evidence Standards Framework for Digital Health Technologies.” The Framework is hierarchical, identifying “the level of evidence appropriate for the intervention. For example, digital tools that provide diagnosis or treatment are in the highest level for which the minimum evidence requirement [for use] will be a high-quality experimental or quasi-experimental study with comparative data on patient outcomes.” <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2818%2933129-5>

A dozen research teams cooperatively published ten papers on the origins of psychiatric diseases. They used data from the DNA of roughly 2,000 human brains and “phenotypic information, including [the individuals’] physical characteristics, symptoms, and other medical information,” *STAT* reported. “Experts said the research is a testament to the value of collaboration—and of the power of vast data sets.” <https://www.statnews.com/2018/12/13/2000-brains-origins-of-psychiatric-diseases/>

Participants in a study of 3,000 African-American adults living in the U.S. state of Mississippi completed a “food frequency questionnaire” from 2000 until 2013. The researchers found that higher than average consumption of “sweetened fruit drinks, soda, and water was associated with a higher likelihood of developing chronic kidney disease,” *Eurasia Review* reported. http://www.eurasiareview.com/28122018-sugar-sweetened-beverage-pattern-linked-to-higher-kidney-disease-risk/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Noting the 70th anniversary of the Universal Declaration of Human Rights, *The Lancet* published an article on the international development of human rights for health. <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2818%2932997-0>

Privacy/data protection. *Thomson Reuters Foundation* published an article on the use and misuse of DNA data. It reported that the UN International Organization for Migration works with the Italian government “to carry out free DNA tests for consenting refugees so they can legally join their family. . . . Once families are reunited and all the procedures are completed, DNA data is destroyed for privacy reasons.” <http://news.trust.org/item/20181213005510-psnc3/>

World War II. Germany will make a one-time payment of 2,500 euros to those persons still alive from among the 10,000 people who fled on the “Kindertransport,” a program that from 1939 to 1941 sent groups of children from war-torn Europe to the U.K., the *Associated Press* reported. The article did not

say what evidence would be used to identify the estimated 1,000 persons still living today who were on the transports. <https://www.cnn.com/2018/12/17/germany-to-compensate-those-who-fled-nazis-as-children.html>

“The Serbian Agency for Restitution says that descendants of Nazi-aligned fighters from WWII have been applying for the restitution of property despite a law that denies this right to members of the forces that occupied the country during World War II,” *BIRN* reported. Applicants argue that if a court quashes a person’s war crimes conviction, that makes him eligible for property restitution. For the present, the Agency has rejected all such requests. http://www.balkaninsight.com/en/article/descendants-of-nazi-allied-fighters-seek-restitution-serbian-agency-says-12-14-2018?utm_source=Balkan+Insight+Newsletters&utm_campaign=400aaaa69d-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-400aaaa69d-319725265

The *Washington Post* reported that a couple in the U.S. sent to auction a painting of Ivan the Terrible that was hanging in a house they purchased. The auction house did research prior to the sale and found that the painting had been stolen from the Dnepropetrovsk Art Museum in Nazi-occupied Ukraine in 1941. The museum had pictures of the painting hanging in a 1929 exhibit and “was also listed on an internal museum of inventory of ‘museum artworks taken to Germany by the Hitlerites’.” The unusual part of the story: the woman who consigned the painting is a Holocaust survivor. <https://www.usnews.com/news/best-states/virginia/articles/2018-12-29/ivan-the-terrible-art-was-looted-from-nazi-occupied-ukraine>

Bilateral and multilateral news.

Balkans. Border Violence Monitoring, a nongovernmental organization in Croatia, published videos “recorded with hidden cameras in a forest near Lohovo, in Bosnia” showing Croatia expelling 54 groups of refugees. *BIRN* reported. The images, filmed between September 29 and October 10, show “at least 350 refugees, including small children, minors and women.” Following the release, Human Rights Watch interviewed 20 people in Bosnia “who said that Croatian police deported them to Bosnia and Herzegovina without due process after detaining them deep inside Croatia.” http://www.balkaninsight.com/en/article/the-map-of-the-1991-2001-war-victims-presented-in-zagreb-12-20-2018?utm_source=Balkan+Insight+Newsletters&utm_campaign=8b540b1720-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-8b540b1720-319725265

Combining the information from four nongovernmental documentation centers in Croatia, Serbia, Kosovo, and Bosnia, the Initiative for RECOM and Documenta released a “new interactive map detailing the victims of the Yugoslav wars,” *BIRN* reported. The map contains both the names and surnames of the approximately 130,000 “documented victims in the wars on the territory of former Yugoslavia.” http://www.balkaninsight.com/en/article/bvm-proves-human-rights-violations-at-external-eu-border--12-14-2018?utm_source=Balkan+Insight+Newsletters&utm_campaign=09a88f469a-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-09a88f469a-319725265

Burkina Faso/France. France provided Burkina Faso with copies of records from the Ministries of Foreign Affairs and Defense regarding the assassination of Burkinabe President Thomas Sankara in 1987, *The Zambian Observer* reported. <http://www.zambianobserver.com/assassination-of-thomas-sankara-the-first-french-archives-sent-to-the-justice-of-burkina-faso/>

Cameroon/France. The French Ministry of Foreign Affairs declassified a series of records relating to events in Cameroon, then a French colony, between 1957 and 1969. <https://www.diplomatie.gouv.fr/fr/dossiers-pays/cameroun/evenements/article/cameroun-declassification-d-archives-26-28-11-18>

China/Japan. China published archival documents from the Shenyang Municipal Archives showing “that Japan started setting up police units illegally in Shenyang, capital of northeast China’s Liaoning Province, as early as 1905, well before Japanese troops invaded northeast China in 1931,” reported *Xinhua*. http://www.xinhuanet.com/english/2018-12/13/c_137671770.htm

Colombia/United States. In August Colombia charged 13 former executives of United Fruit (Chiquita) company with using death squads to kill persons interfering with the work of its plantations. The National Security Archive, a nongovernmental organization in Washington, DC, published profiles of the 13 men “drawing on available public sources and a 48,000 page trove of the company’s internal records gained through the Archive’s successful Freedom of Information Act lawsuit.” For background,

see *HRWG News* 2018-08. <https://nsarchive.gwu.edu/briefing-book/colombia-chiquita-papers/2018-12-21/chiquita-13-profiles-banana-officials-accused-crimes-against-humanity>

Europe. The Justicia European Rights Network published a “comparative analysis” of “Disparities in Criminal Justice Systems for Individuals of Different Ethnic, Racial, and National Background in the European Union,” based on “desk research and interviews with informative stakeholders.” http://eujusticia.net/images/uploads/pdf/Justicia_Network_Disparities_in_Criminal_Justice_Comparative_Report_2018-1.pdf

Germany/Russia. “A Stasi ID card belonging to Russian president Vladimir Putin has been found” in the records of the Dresden, Germany, branch of the Stasi, East Germany’s state security service, *The Local* reported. The card was valid 1985-1989; at the time Putin was an active KGB official in Dresden. <https://www.thelocal.de/20181211/putins-stasi-id-card-found-in-dresden-archive>

Islamic State (IS, ISIS)/Syria. The Syrian Observatory for Human Rights said it has information from “dozens of security sources within ISIS as well as civilians living in areas under the group’s control” that IS “has executed over 700 prisoners in eastern Syria” in the two months preceding December 20, *Al Bawaba News* reported. http://www.eurasiareview.com/20122018-islamic-state-has-killed-over-700-prisoners-in-east-syria-in-past-2-months/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29 And the *Washington Post* reported that, based on interviews with former Syrian military prisoners and satellite images of the Sednaya prison and an affiliated cemetery, the Syrian army is “doubling down on executions of political prisoners, with military judges accelerating the pace they issue death sentences.” Amnesty International said that after executions the bodies are “transported for registration at a military hospital before being buried in the mass graves on military land.” <https://www.washingtonpost.com/graphics/2018/world/syria-bodies/>

Israel/Palestine. Akevot, a nongovernmental organization in Israel, posted a letter from December 4, 1949, which the Ministry of Foreign Affairs Executive Director sent to his superior saying Prime Minister David Ben Gurion approved the expulsion of nearly 10,000 people living in eight villages “for “security reasons.” The Military Censor approved Akevot’s request to publish the document, which had previously been public for “more than 25 years” but has “recently been made confidential again” and removed from the website of the Israel State Archives. <https://www.akevot.org.il/en/article/without-unnecessary-brutality/?full>; <https://akvt.in/WEL>

Latin America. On December 10, the 70th anniversary of the adoption of the Universal Declaration of Human Rights, *telesur* published an essay on Latin America and “the many lenses through which human rights can be viewed: environmental, feminist, and government violence.” https://www.telesurenglish.net/news/Human-Rights-in-Latin-America-A-Struggle-for-Land-and-Life-20181209-0001.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=8

Latvia/Russia. The opening of the KGB files held by Latvia prompted articles. The *Baltic News Network* explained that in order to access the KGB documents published on the Latvian National Archives website, researchers “will have to create an account so that it is possible to identify people.” If the person wants access at the Archives the researcher “will have to submit a written request and present a personal identification document” plus other information. The first set of files, released on December 21, apparently show that a former prime minister and the current Supreme Court chief justice “collaborated with the Soviet KGB,” *AFP* reported. <https://bnn-news.com/access-to-kgb-documents-will-require-personal-code-194935> ; <https://www.rferl.org/a/new-latvian-archives-show-ex-pm-top-judge-had-ties-to-kgb/29669937.html> ; <https://eng.lsm.lv/article/society/society/first-batch-of-latvias-kgb-archives-published-online.a303704/>

North Korea/South Korea. South Korea’s Unification Ministry, which helps persons who come to South Korea from the North, reported that its database was hacked and the “names, birth dates and addresses of 997 defectors had been stolen,” *Reuters* reported. <https://uk.reuters.com/article/uk-northkorea-southkorea/mystery-hacker-steals-data-on-1000-north-korean-defectors-in-south-idUKKCN1OR0CI>

North Korea/United Kingdom/United States. The U.K. Joint Casualty and Compassionate Centre works on “retrieving and identifying the British war dead,” the *Guardian* wrote. The staff is “trying to build family trees of the missing in order to get in contact with relatives” of some 250 soldiers who are missing from the Korean War, in the hope that the DNA of any of the remains turned over to the U.S. by

North Korea last autumn can be matched to the missing. <https://www.theguardian.com/world/2018/dec/26/war-detectives-get-new-lead-on-british-dead-from-korean-war-thanks-to-trump>

Russia/Syria. The Syria Justice and Accountability Center (SJAC), a nongovernmental organization, downloaded 10 million tweets that Twitter released from “accounts linked to Russia’s Internet Research Agency (IRA) and Iran.” SJAC “isolated those that included references to the Syrian conflict” and analyzed the contents. It found the “tweets include a combination of information that is blatantly false and information that is true, but shared in a way that promotes xenophobic, anti-refugee sentiments.” <https://syriaaccountability.org/updates/2018/12/12/russias-twitter-campaign-influencing-perceptions-of-the-syrian-conflict/>

National news.

Australia. “Australia has passed controversial laws designed to compel technology companies to grant police and security agencies access to encrypted messages,” the first country in the world to do so, reported *BBC News*. <https://www.bbc.com/news/world-australia-46463029>

With the permission of local aboriginal communities, a team of geneticists sequenced DNA from 10 ancient Aboriginal remains and compared the results with the DNA of Aboriginal people in the regions where the bones were found and those who live elsewhere. In a fascinating article in *Science Advances* titled “Ancient nuclear genomes enable repatriation of Indigenous human remains,” the team reported that the ancient bones were most closely related to people still living in the area. This suggests that the DNA of living persons may be used to identify the origins of bones housed in museum collections where the institution lacks clear records of their provenance. <http://advances.sciencemag.org/content/4/12/eaau5064>

Bahrain. Bahrain’s highest court upheld the conviction of Nabeel Rajab, head of the Bahrain Center for Human Rights, deputy secretary general of the International Federation of Human Rights, and a member of the Human Rights Watch Middle East and North Africa Advisory Committee, who was sentenced to five years in prison for tweets in 2015 “about torture in the Jaw prison and criticizing the Saudi-led military campaign in Yemen,” *Eurasia Review* reported. http://www.eurasiareview.com/31122018-bahrain-rights-defenders-conviction-upheld-says-hrw/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Canada. A “breach of trust” lawsuit against Mark Norman, a naval officer who allegedly helped a company providing a ship for the Royal Canadian Navy, became a suit over documents, reported the *Ottawa Citizen*. Norman’s lawyer produced a witness who said the military was deliberately hiding records that Norman needs for his defence. The witness, a military officer, said that “Norman’s name was deliberately not used in internal files—meaning any search for records about Norman would come up empty” and implied that this was not the only case in which the Navy used that tactic. <https://nationalpost.com/news/canadian-forces-to-investigate-scheme-designed-to-hide-documents-from-admirals-lawyers>

The Office of the Independent Police Review Director (OIPRD), Ontario, after receiving complaints about racist attitudes towards Indigenous people by members of the Thunder Bay Police Service (TBPS), launched an investigation. OIPRD reviewed 37 TBPS “investigations involving sudden deaths going back to 2009” with a primary focus on the investigations of Indigenous deaths and “also conducted a paper review of some of the identified Missing and Murdered Indigenous Women and Girls cases, recognizing that some of the older files had limited documents available.” After holding interviews, reviewing TBPS policies and procedures and details of officer training, reading submissions and meeting with stakeholders, OIPRD concluded that “systemic racism exists in TGPS at an institutional level.” Among the 44 recommendations: “TBPS should immediately improve how it employs, structures and integrates its investigation file management system, Major Case Management system and its NICHE database;” use “in-car cameras and body-worn cameras;” and “on an annual basis . . . provide the public with reports that provide data on sudden death investigations.”

<https://www.theglobeandmail.com/canada/article-report-finds-systemic-racism-at-police-service-in-thunder-bay-ont-2/>; for the report see <chrome-extension://mhjfbmdgcfjbbpaeojofohoefghehjai/index.html>

Canada/Quebec. Last June Quebec “lifted the confidentiality attached to adoption records” and since then the government has had 25,000 inquiries about access to the adoption files and has opened 7,000 files containing the names of deceased biological parents of Quebec adoptees and orphans, reported *The*

Canadian Press. An additional body of records naming living biological parents remains closed until June 2019. <https://o.canada.com/pmn/news-pmn/canada-news-pmn/quebec-adoptees-finally-getting-some-long-sought-answers-about-their-roots/wcm/730452cb-fcd4-47a9-aed7-2a24835ff428>

Chile. The Court of Appeals in Santiago “sentenced 36 former agents of the National Intelligence Directorate (DINA) for their participation in the forced disappearance of hundreds of opposition leaders during the military dictatorship of August Pinochet (1973-1990),” reported *telesur*. Four of them were “identified as the material authors of the torture and murder of three activists” whose names appeared in DINA’s “files of Operation Colombo, a montage to cover up the disappearance of 119 political prisoners.” https://www.telesurenglish.net/news/Chile-36-Former-Pinochet-Intel-Agents-Sentenced-20181211-0007.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=12

China/Hong Kong. The Law Reform Commission of Hong Kong published two “consultation papers” on possible laws, one on archives and one on access to information, reported *Harbour Times*. The Commission, which supports an archives law (Hong Kong does not have one), wrote, “Archives record decisions, actions and memories. . . Archives and records are also tools by which governments can make themselves accountable.” <http://harbourtimes.com/2018/12/07/jamming-shredder-archive-law-hong-kong/>

Colombia. Colombia’s Commission for the Clarification of the Truth, Coexistence and Non-Repetition was officially launched on November 29, with a 3-year mandate to report on 50 years of conflict. Colombia’s military has blocked access to relevant records; the U.S. National Security Archive provided a “database of over 20,000 declassified records” to the Commission. <https://nsarchive.gwu.edu/briefing-book/colombia/2018-11-29/colombia-truth-commission-opens-doors-faces-significant-barriers-access>

Egypt. The *Associated Press* reported that an Egyptian court acquitted 43 people of charges that they illegally received funding from foreign organizations. The military had ordered raids on “more than a dozen offices of rights and freedom advocacy groups, seizing files and computers” in 2011. The case continues against local Egyptian nongovernmental organizations. For background, see *HRWG News* 2013-06. <http://www.wect.com/2018/12/20/egypt-acquits-ngo-workers-illegal-funding-charges/>

Ethiopia. The Parliament adopted a law to establish a National Reconciliation Commission, *borkena* reported. <https://borkena.com/2018/12/25/national-reconciliation-commission-legislation/>

India. In a story titled “How WhatsApp fuels fake news and violence in India,” *Wired* reported that India is WhatsApp’s largest market and law enforcement officials “say their hands are tied in investigations that involve WhatsApp’s encrypted messages.” [https://www.wired.com/story/how-whatsapp-fuels-fake-news-and-violence-in-india/?CNDID=53684912&CNDID=53684912&bxid=MjcwMDU3MDMwNzYzS0&hasha=8fcd7efd9e9d6389b9f914ad34a5948d&hashb=be86af3880f5d49a71f804266e79b70bb4fa408d&mbid=nl_121218_daily_list1_p2&utm_brand=wired&utm_mailing=WIREd%20NL%20121218%20\(1\)&utm_medium=email&utm_source=nl](https://www.wired.com/story/how-whatsapp-fuels-fake-news-and-violence-in-india/?CNDID=53684912&CNDID=53684912&bxid=MjcwMDU3MDMwNzYzS0&hasha=8fcd7efd9e9d6389b9f914ad34a5948d&hashb=be86af3880f5d49a71f804266e79b70bb4fa408d&mbid=nl_121218_daily_list1_p2&utm_brand=wired&utm_mailing=WIREd%20NL%20121218%20(1)&utm_medium=email&utm_source=nl)

The Delhi High Court reversed a lower court’s acquittal and convicted Sajjan Kumar of inciting a mob to kill a Sikh family in 1984, part of the riots that convulsed India after Prime Minister Indira Gandhi was killed by her Sikh bodyguards. According to *The Indian Express*, in its judgment the court said, “This was an extraordinary case where it was going to be impossible to proceed against A-1 (Kumar) in the normal scheme of things because there appeared to be ongoing large-scale efforts to suppress the cases against him by not even recording or registering them. Even if they were registered they were not investigated properly and even the investigations which saw any progress were not carried to the logical end of a charge sheet actually being filed.” <https://indianexpress.com/article/india/1984-anti-sikh-riots-delhi-hc-reverses-sajjan-kumars-acquittal-awards-him-life-term-5496889/>

Nepal. A spokesperson for the Commission for the Investigation of Enforced Disappeared Persons (CIEDP) said that “despite legal, financial and logistics constraints, CIEDP had completed preliminary investigation into 3,197 complaints” and had “collected data from 56 Districts,” even though it has “received no money for investigation since the beginning of the current fiscal year,” *Southeast Asia Intelligence Review* reported. <http://www.satp.org/latest-on-satp>

Netherlands. A man in the Netherlands asked a Dutch court to legally change his age from 69 to 49, saying his request “was consistent with other forms of transformation which are gaining acceptance in the Netherlands and around the world, such as the ability to change one’s name or gender.” The court disagreed, saying “amending his date of birth would cause 20 years of records to vanish from the register of births, deaths, marriages and registered partnerships. This would have a variety of undesirable and legal and societal implications,” the *Associated Press* reported. https://www.euronews.com/2018/12/03/dutch-court-rejects-man-s-request-be-20-years-younger-n942901?utm_source=newsletter&utm_medium=en&utm_content=dutch-court-rejects-man-s-request-be-20-years-younger-n942901&_open=eyJndWlkLjoiOGZjZDdlZmQ5ZTlkNjM4OWI5ZjkxNGFkMzRhNTk0OGQifQ%3D%3D

Nicaragua. Police “forced open doors and carried off documents and computers from the Nicaragua Center for Human Rights, Segovias Leadership Institute, River Foundation, the Center for Communication Research, and the Foundation for Municipal Promotion and Development. Police also raided the offices of the media outlet *Confidencial*,” the *Associated Press* reported. <https://www.whio.com/news/world/nicaraguan-police-raid-ngo-offices-seize-records/B8lvU0N82EDSNXXrxCnT9M/> The Inter-American Commission on Human Rights (IACHR) issued a press release that deplored the actions, denouncing “the closure of democratic spaces and the aggravation of a new stage of repression in Nicaragua aimed at silencing, intimidating and criminalizing those opposed to the Government, human rights organizations and the independent media in the country.” IACHR said in Nicaragua “arbitrary detentions [are] characterized by a lack of information regarding the reasons for the arrest or the place where the person will be detained” and civil society groups who want to hold “commemorative marches” are denied permits. It also reported that the “Ministry of the Interior informed that the movable and immovable property and any other assets of the sanctioned organizations would be passed on to the administration of the State of Nicaragua for the creation of the Comprehensive Attention and Reparation Fund for the Victims of Terrorism.” What will happen to the records seized? https://www.oas.org/en/iachr/media_center/PReleases/2018/273.asp/

Nigeria. In late October Nigerian soldiers opened fire on protesters, killing at least 26 and perhaps as many as 49. The military claimed the soldiers had been provoked, the *New York Times* wrote, but “a close review of video from the largest and most deadly of the protests, as well as interviews with more than a dozen witnesses, clearly shows the military opening fire on unarmed demonstrators, sometimes shooting indiscriminately into the crowd at close range as people turned and tried to flee.” <https://governancenews.com.ng/2018/12/18/nigeria-says-soldiers-who-killed-marchers-were-provoked-video-shows-otherwise/>

Russia. In 2015 the Russian State Archives published on its website the scan of a May 10, 1948, document by the chief military prosecutor, who described the “heroics attributed to the 316th division of the Red Army under the leadership of General Ivan Panfilov” as a “fabrication by the Soviet press.” The archivist who authorized the publication was demoted. Now Russia’s culture minister says “wartime accounts declassified this spring by Russia’s secret services” “prove the authenticity” of the heroic actions. For background, see *HRWG News* 2015-07, 08, 10. <https://www.rferl.org/a/russian-minister-says-authenticity-of-war-legend-beyond-dispute-amoral-to-dig-further-/29635477.html>

Russia/Chechnya. The Organization for Security and Cooperation in Europe appointed Wolfgang Benedek as its rapporteur to report on “alleged human rights violations and impunity in the Chechen Republic of the Russian Federation” from January 2017 to the present. Russia denied the rapporteur assistance, so he relied on mail sent to him, information from European Union sources, materials already collected by “pertinent human rights organizations” and interviews. He obtained information from trial monitors, and he wrote that in the case of Oyub Titiev, the head of the nongovernmental organization Memorial’s office in Chechnya, the trial is using “obviously fabricated evidence.” (For background on the trial, see *HRWG News* 2018-01.) Benedek reported that authorities in the region have committed torture, enforced disappearances, extrajudicial executions, serious violations and abuses, especially of members of the LGBTI community. <https://www.osce.org/odihr/407402?download=true>

Saudi Arabia. *Al Bawaba News* reported that the Saudi nongovernmental organization Reprieve has documented 133 executions between June 2017, when Crown Prince Mohammed bin Salman “came to power,” and March 2018, “compared to just 67 in the eight months preceding.” http://www.eurasiareview.com/22122018-saudi-arabia-doubles-number-of-executions-in-2018-report/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

South Korea. The Ministry of National Defense transferred to the National Archives records relating to the Democracy Youth and Student League “incident” in 1974, under the Park Chung-Hee dictatorship, including trial and investigation records for 180 individuals involved, *Hani* reported. A 2005 truth commission concluded that the incident “represented the suppression of South Korea’s largest student movement; in 2010 a court ordered the state to compensate the victims.”
http://english.hani.co.kr/arti/english_edition/e_national/873994.html

Sri Lanka. The *New York Times* reported on a government psychiatrist who is trying to help individuals in northern Sri Lanka cope with the aftermath of the civil war. He has his patients bring “a little blue book” with a family tree drawn on the first page with an “X” next to the name of someone who died and the cause and an “A” if the person is missing. “In his notes, the doctor keeps track of important dates—death anniversaries loom large—so he can be ready when his patients come.”
<https://www.nytimes.com/2018/12/04/world/asia/sri-lanka-suicide-civil-war-mental-illness.html>

United Kingdom. The *Guardian* sent freedom of information requests to 43 police forces asking for records of complaints from staff and members of the public about sexual harassment in the past six years. Only 28 forces responded (London’s Metropolitan police did not). Still, it found 450 complaints, including accusations against “senior detectives and inspectors.” The national officer of Unison, the U.K.’s largest union, said the figures were consistent with the union’s survey of almost 1,800 police staff in England, Wales and Scotland which found “half had heard sexualized jokes and one in five had received a sexually explicit email or text from a colleague. About one in 25 said they had been pressured to have sex, and one in 12 was told that sexual favours could result in preferential treatment.”
https://www.theguardian.com/uk-news/2018/dec/25/revealed-hundreds-of-sexual-harassment-claims-against-male-police-officers-england-scotland-wales?utm_term=RWRpdG9yaWFsX0d1YXJkaWFuVG9kYXlVSV19XZlVrZGF5cy0xODEyMjY%3D&utm_source=esp&utm_medium=Email&utm_campaign=GuardianTodayUK&CMP=GTUK_email

“A vast cache of material dating from 1939 until the 1980s and including more than 1,700 files about the creation of Britain’s first nuclear bombs” were withdrawn from public access at the National Archives “at the instruction of the government’s Nuclear Decommissioning Authority” reported the *Guardian*.
<https://www.theguardian.com/world/2018/dec/23/british-nuclear-archive-files-withdrawn-without-explanation>

United Kingdom/Northern Ireland. The Surrey county coroner, who is “considering an application to resume an inquest into the deaths of five people killed in the IRA [Irish Republican Army] attack in 1974” at the Guildford pub, was told that five boxes of police documents relating to the bombing “were destroyed in error,” *BBC News* reported. A representative of Surrey Police said the force still has “2,674 witness statements, 60 interview transcripts, and 1,161 other documents on the bombings.”
<https://www.bbc.com/news/uk-england-surrey-46636083>

United States. A multiyear investigation by National Public Radio and the Public Broadcasting Service program *Frontline* analyzed 30 years of federal regulatory data from dust-collection monitors placed in coal mines. Although a federal monitoring program reported just 99 cases of advanced black lung disease, 2011-2016, the research identified more than 2,000 coal miners with the disease in just five states.
https://www.npr.org/2018/12/18/675253856/an-epidemic-is-killing-thousands-of-coal-miners-regulators-could-have-stopped-it?utm_source=STAT+Newsletters&utm_campaign=e4f9fb2d09-MR_COPY_12&utm_medium=email&utm_term=0_8cab1d7961-e4f9fb2d09-149736437

The Federal Bureau of Investigation (FBI) put out a call for a contractor to burn 53 tons of “classified and sensitive” records. There is no explanation of whether these are records the National Archives has declared non-permanent, are paper copies of digital records, or duplicates.
<https://qz.com/1495165/an-fbi-contract-requests-help-burning-53-tons-of-secrets/>

National Public Radio published an article explaining that some Japanese-Americans who were wrongfully imprisoned by the U.S. during World War II now oppose “a citizenship question the Trump administration plans to add to the 2020 census” fearing the census could be used, as it was during World War II, as the key source of information to discriminate against persons of a minority group.
<https://www.npr.org/2018/12/26/636107892/some-japanese-americans-wrongfully-imprisoned-during-wwii-oppose-census-question>

Pro Publica “assembled a coalition of more than 130 newsrooms” to report on hate incidents. Although the FBI reported 6,121 hate crimes in 2016 and the Bureau of Justice Statistics estimated 250,000 hate crimes, “local and state police departments aren’t bound to report their numbers to the FBI—and many don’t.” Furthermore, state laws on what is a hate crime vary, and five states have no hate crime statute. After a “year of documenting hate,” *Pro Publica* concluded, “Hate crimes are so poorly tracked in America, there’s no way to undertake the kind of national analysis that we do in other areas, from bank robberies to virus outbreaks.” <https://www.propublica.org/article/what-we-discovered-during-a-year-of-documenting-hate>

“A *Washington Post* examination of 8,000 homicide arrests [records] across 25 major U.S. cities since 2007 found that in half of the cases, an arrest was made in 10 days or fewer.” Only 5 percent of the cases that were unsolved for a year led to an arrest. <http://www.wopular.com/catch-killer-first-days-are-crucial-after-year-chances-arrest-are-only-5-percent-0>

When the *New York Times* reviewed “hundreds of documents including police reports, bank records and investigator notes” on mass shootings since the Virginia Tech killings in 2007, the researchers found that “credit cards have become a crucial part of the planning of these massacres.” Thirteen shootings in the last decade killed 10 or more people, and “in at least 8 of them, the killers financed their attacks using credit cards. Some used credit to acquire firearms they could not otherwise have afforded.” Nevertheless, “banks and credit-card networks say it is not their responsibility [to] create systems to track gun purchases that would allow them to report suspicious patterns” to law enforcement. <https://www.nytimes.com/interactive/2018/12/24/business/dealbook/mass-shootings-credit-cards.html>

In June the Department of Health and Human Services ordered that “all people living the home of a would-be sponsor” of unaccompanied migrant children would have to submit their fingerprints to the FBI. That rule has now been dropped because, HHS said, the fingerprints had “generally not yielded additional information that has enabled [officials] to identify new child welfare risks.” HHS will, however, require fingerprints from “parents and other potential sponsors” and cross-check them “with the FBI’s criminal records and the Department of Homeland Security’s arrest records” and “do public record checks on all adults in a given household.” <https://www.pbs.org/newshour/nation/what-changes-to-this-fingerprinting-rule-could-mean-for-migrant-children-in-u-s-custody>

Zimbabwe. The Commission of Inquiry into the August 1 post-election violence presented its report. It found most actions by the government were “in accordance with the Constitution and the applicable law;” however, the “use of live ammunition directed at people, especially when they were fleeing, was clearly unjustified and disproportionate” and members of the military and police “found to have been in breach of their professional duties and discipline” during the riots should be given “appropriate sanction.” The Commission recommended that all victims of the violence and the dependents of the deceased be paid compensation, the amount to be determined by a special committee. The National Archives needs to secure the records of the Commission immediately. <https://www.zimbabwesituation.com/news/findings-of-commission-of-inquiry-into-1-august-2018-post-election-violence/>

Publications.

Good reads. On estimating the “number of Salafi-jihadists” around the world: https://www.crisisgroup.org/global/rightsizing-transnational-jihadist-threat?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=c765ce2e90-EMAIL_CAMPAIGN_2018_11_19_01_54_COPY_01&utm_medium=email&utm_term=0_1dab8c11ea-c765ce2e90-359425329

On Brazil’s military dictatorship 50 years ago: https://www.americasquarterly.org/content/50-years-ago-brazil-virtually-legalized-torture-and-censorship?utm_source=AQ%27s+Week+in+Review&utm_campaign=63b9c26f31-EMAIL_CAMPAIGN_2018_12_14_01_46&utm_medium=email&utm_term=0_6a33e16b5d-63b9c26f31-26124681

And on efforts to replace books and research materials at Brazil’s National Museum: <https://www.princeton.edu/news/2018/12/17/princetons-new-brazil-lab-leads-relief-efforts-brazils-national-museum-lost-fire>

On using machine learning for social justice: <https://psmag.com/social-justice/using-machine-learning-to-hold-human-rights-abusers-accountable>

The Sedona Conference and its Working Group 1 on Electronic Document Retention & Production (WG1) released the Public Comment Version of *The Sedona Conference Commentary on Legal Holds, Second Edition: The Trigger & The Process*. https://thesedonaconference.org/publication/Commentary_on_Legal_Holds

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