

News of July 2019

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Commentary.

“As only archivists can do,” said the prosecutor. The case was in Italy, but it could have been in Guatemala or Bangladesh or anywhere. Here is the story:

In January 2017 a tribunal in Rome sentenced two former heads of state and two ex-chiefs of security forces from Bolivia and Peru, two military officers from Chile, and a former Uruguayan foreign minister to life imprisonment for their involvement in the coordinated, cross-border system of repression known as “Operation Condor.” The case involved the “disappearance” of 42 dual citizens – 33 Italian-Uruguayans, 5 Italian-Argentiniens and 4 Italian-Chileans. And although the court convicted the five, it acquitted all other defendants (14), of whom eleven were Uruguayan.

During that trial Giulia Barrera, senior archivist at the national archives of Italy, was an expert witness for the prosecution. At the beginning of the trial, the prosecutor encouraged the court to read at least a few crucial documents regarding the creation of Operation Condor and suggested the court also read the transcript of the testimony of “historian and archivist” Giulia Barrera, who provided tools for understanding the value of such documents “as only archivists can do.” The prosecutor said Dr. Barrera analyzed the documents with “specific technique and made an assessment of the value of sources” so that the documents could be incorporated in the trial with full confidence about their value. The prosecution then presented U.S. declassified documents and documents from the archives of Paraguay, Uruguay and other sources. The court considered these documents crucial evidence of the existence of Operation Condor and of its criminal nature.

The decision in the first trial was appealed, and the Court of Appeal combined it with other related cases, several of which concerned persons who were kidnapped and killed in international illegal repressive operations carried out in the framework of Operation Condor. Archival documents again played a crucial role. During the appeal trial no witness was admitted, but the lawyer for the State of Uruguay was able to present new archival documents that were recently declassified in Uruguay, including the personal military file of Nestor Troccoli, a Uruguayan Navy officer with dual Italo-Uruguayan citizenship who fled Uruguay to escape trial and took refuge in Italy.

On 9 July 2019 the Court of Appeal sentenced all 24 defendants to life imprisonment for the murder of Italian citizens (Italo-Chilean and Italo-Uruguayan) who were “disappeared” in Chile, Argentina and Uruguay in the 1970s. Only one defendant, Troccoli, was present; the rest were sentenced “in absentia.” Finally, justice.

As only archivists can do, indeed.

<https://nsarchive.gwu.edu/briefing-book/southern-cone/2017-01-17/operation-condor-condemned-life>; <https://www.republica.com.uy/plan-condor-uruguay-da-vuelta-juicio-en-roma-y-logra-prision-perpetua-para-trece-represores-id718206/>; <https://www.presidencia.gub.uy/comunicacion/comunicacionnoticias/sentencia-tribunal-apelaciones-italia-plan-condor>; <https://www.theguardian.com/world/2019/jul/08/italian-court-jails-24-over-south-american-operation-condor> The entire trial was recorded by “Radio Radicale” and is available here <https://www.radicale.it/processi/1266/processo-dappello-contro-i-responsabili-delloperazione-condor>

Note: The June commentary suggested that the “critical test of the right to be wrong must be whether acting on the belief hurts others.” Antoon De Baets wrote to say that the right to be wrong is supported in General Comment 34 on States parties' obligations under Article 19 of the International Covenant on Civil and Political Rights (ICCPR). The only legitimate grounds for restricting the right to freedom of expression listed in the ICCPR are (a) For respect of the rights or reputations of others; and (b) For the protection of national security or of public order, or of public health or morals. Paragraph 49 of the

General Comment says, “The Covenant does not permit general prohibition of expressions of an erroneous opinion or an incorrect interpretation of past events.”

International news.

International Criminal Court. The Court convicted former Congolese rebel commander Bosco Ntaganda on 18 counts of war crimes and crimes against humanity, “the highest number of counts an individual has been convicted for,” reported *International Justice Monitor*. The case file includes evidence from 80 prosecution witnesses and 19 defense witnesses. Ntaganda is appealing the conviction. <https://www.ijmonitor.org/2019/07/ntaganda-to-appeal-icc-conviction/>

The Appeals Chamber upheld the trial court’s ruling that Thomas Lubanga must pay US\$10 million to the victims of his crimes. The lower court reviewed a sample of “473 potentially eligible victims” and found that 425 “were most likely direct or indirect victims of Lubanga’s crimes,” reported *International Justice Monitor*. Lubanga contested that number, but the appeal judges said “that it was not unreasonable for the trial chamber to rely on lists of demobilized former fighters” to help estimate the number of victims and that the ICC Rules acknowledge “that victims are not always in a position to provide supporting documentation. Consequently, the Appeals Chamber considers that the fact that potential victims generally did not submit documents in support of their written allegations does not lead inexorably to the conclusion that the Trial Chamber was prevented from finding that their victimhood was established to a balance of probabilities” (paragraph 202). <https://www.ijmonitor.org/2019/07/icc-judges-affirm-lubangas-financial-liability-for-reparations-at-us-10-million/>; for the ruling <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/04-01/06-3466-Red>

The Trial Chamber that acquitted Laurent Gbagbo and Charles Ble Goude in January did not release its written statement of the reasons for its decision until July. Over 4,610 “items of documentary and other non-oral items of evidence were submitted,” Judge Geoffrey Henderson wrote, including “a large number of documents from several archives of the Gendarmerie in Abidjan,” “documents that were allegedly found at the Presidential Palace in Abidjan,” and documents that were “collected at the Presidential Residence.” The Judge found there were “pervasive problems affecting a considerable number of documents that make their authenticity questionable” and the Prosecutor should have taken “further steps to ensure that important documentary evidence was properly and demonstrably authenticated before being submitted for the Chamber’s consideration” (paragraphs 32-38). https://www.ijmonitor.org/2019/07/icc-judges-issue-written-reasons-for-acquittal-in-the-gbagbo-case-what-bensouda-can-do-now/?utm_source=International+Justice+Monitor&utm_campaign=caf4052cf8-gbagbo-goude-rss&utm_medium=email&utm_term=0_f42ffeffb9-caf4052cf8-49700673 ; for the report see https://www.icc-cpi.int/RelatedRecords/CR2019_03857.PDF?utm_source=International+Justice+Monitor&utm_campaign=caf4052cf8-gbagbo-goude-rss&utm_medium=email&utm_term=0_f42ffeffb9-caf4052cf8-49700673

The Prosecutor filed a 146 page request to the Court “to open a formal investigation of crimes against humanity allegedly committed against Rohingya Muslims from Myanmar.” https://news.yahoo.com/prosecutor-seeks-rohingya-probe-crimes-130927007.html?_ylt=AwrEwhF6WIBdR2YAbgZpCWWH;_ylu=X3oDMTByNXQ0NThjBGNvbG8DYmYxBHBvcwM1BHZ0aWQDBHNIYwNzcg--

World Health Organization (WHO). In an unusual move, WHO first released two situation reports written by Uganda’s Health Ministry saying a person with the highly contagious Ebola virus “may have entered Rwanda” from Congo, then removed them from the WHO Africa office’s website, saying they “have erroneously included unverified information,” reported *Reuters*. <http://news.trust.org/item/20190718111106-3u4bf/>

World/general news.

Business records. In 2014 the United Nations Human Rights Council established the “open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights” (OEIGWG). The group released a revised draft of a “legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.” Its Article 4, paragraph 6 says, “Victims shall be guaranteed access to

information relevant to the pursuit of remedies,” implicitly underscoring the need for good corporate records management. https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/OEIGWG_RevisedDraft_LBI.pdf

The U.K. Supreme Court granted permission to two Nigerian communities to appeal the dismissal of their case against Shell oil company for environmental damage. The law firm representing the communities wrote, “According to Shell’s own records the [Ogale] community has been impacted by at least 40 oil spills from Shell’s pipelines and equipment since 1989, including 23 spills in the past 4 years” and pollution in the Ogale water wells “was carefully documented by the United Nations Environment Programme in 2011.” For background, see *HRWG News* 2019-05. <https://www.leighday.co.uk/News/2019/July-2019/Supreme-Court-grants-permission-to-appeal-to-Niger>

After a judge ruled that the mining company Vale was liable for damages caused when a dam collapsed in January at its iron ore mine in Brazil, the company signed an agreement to pay \$107 million in “collective moral damages” and US\$186,000 to each of the “close relatives of nearly 300 people killed.” For background, see *HRWG News* 2019-02, 03, 04. <https://www.theguardian.com/world/2019/jul/16/vale-brazil-mining-dam-collapse-brumadinho>

Environment. The nongovernmental organization Global Witness published *Enemies of the State? How governments and businesses silence land and environmental defenders*. It said it documented three people murdered each week in 2018, with The Philippines having the highest number of killings (30) and Guatemala with the sharpest rise in murders (a “more than fivefold” increase). Mining was the most dangerous sector; the perpetrators include “private security groups, state forces and contract killers.” <https://www.globalwitness.org/en-gb/campaigns/environmental-activists/enemies-state/>

Indigenous rights. At the annual meeting RightsCon, which focuses on technology and human rights, “a consortium of stakeholders gathered to openly discuss and define how IDS [Indigenous Data Sovereignty] intersects with open data, with the aim of developing tools or guidelines towards promoting and mainstreaming IDS within open data movements” and decided to establish an Indigenous Working Group. A report of the meeting defined IDS as “the right of Indigenous peoples to govern the collection, ownership, and application of data about Indigenous communities, people, lands, and resources” and included a set of IDS principles adapted from a U.S. document. <https://medium.com/@opendevmekong/how-can-indigenous-data-sovereignty-ids-be-promoted-and-mainstreamed-within-open-data-movements-e70464846b34>

Medical records. “54gene, an Africa-focused genomics start-up that began in Nigeria, is building the world’s first and largest pan-African biobank,” reported *The Lancet*. “To get individual samples, the start-up engages medical consultants who are involved in the care of patients with the targeted conditions, to address biobanking’s ethical challenges, obtain the necessary ethical approvals, inform patients, and collect and process the samples. Patients’ information is gathered through questionnaires and case notes.” The founder said, “We are also looking at how we can install electronic data capture, such as electronic media records, for certain hospitals to make them move away from paper-based systems. We use a lot of data. If hospitals are still using paper it’s difficult to go back and find histories or do analyses to see the trends in a patient’s journey.” <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2819%2931614-9%29biobank>

Also in Nigeria, last December the government decided to replace the International Certificate of Vaccination or Prophylaxis, a certificate used by travellers often called the “Yellow Card,” with an e-Yellow Card. The Ministry of Health said, “The card, which is machine-readable and has the ability to store vaccination history of the holder, was designed to put an end to the era of fake Yellow Cards issued by unauthorized personnel for years.” The new cards are to be “added to a national digital repository” and all previous vaccination certifications “became invalid as of July 1, 2019.” However, *The Lancet* said it “applied for, and obtained, the new e-Yellow Card in Ibadan, Nigeria, without presenting any evidence of receiving the vaccination.” <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2819%2931670-8>

“Breast implant maker Allergan issued a worldwide recall” of Biocell breast implants with a textured surface, the *Associated Press* reported. The U.S. Food and Drug Administration said “the latest figures show more than 80% of the 570 confirmed cases of [a rare form] of lymphoma have been linked to the

Allergan implants.”

https://www.statnews.com/2019/07/24/allergan-recalls-textured-breast-implant-tied-to-rare-cancer/?utm_source=STAT+Newsletters&utm_campaign=6d1546501a-MR_COPY_01&utm_medium=email&utm_term=0_8cab1d7961-6d1546501a-149736437

“Thousands of children between the ages of one and five are due to be fingerprinted in Bangladesh and Tanzania” to “track vaccinations and link them to . . . medical records via biometric information,” *The New Humanitarian* reported. A project spokesperson said “being able to track a child’s attendance at vaccination centres and replace ‘very unreliable’ paper-based records can help target the 20 million children who are estimated to miss key vaccinations, most in poor or remote communities.” The “collection effort will be managed by Simprints, a UK-based non-for-profit,” which presumably will keep the records. <https://www.thenewhumanitarian.org/news-feature/2019/07/18/betting-biometrics-boost-child-vaccination-rates>

Privacy. Referring to the “standoff between the United Nations World Food program and Houthi rebels” in Yemen, an opinion writer argued in the *New York Times* that “requiring biometric data, like iris and facial scans, sets a dangerous precedent for vital aid.” The writer said, “Interviewing dozens of migrants and refugees in Europe who fled conflict in East Africa, I was told how minor discrepancies in identity databases can cause bureaucratic chaos. A misspelled name, for example, can be used as a threat to separate a child from her parents or reject an asylum application.” Moreover, “if an individual or group’s data is compromised or leaked to a warring faction, it could result in violent retribution for those perceived to be on the wrong side of the conflict.” He urged minimizing the collection of personally identifiable information and encrypting data. <https://www.nytimes.com/2019/07/11/opinion/data-humanitarian-aid.html>

Technology. 4chan says it is “a simple image-based bulletin board where anyone can post comments and share images anonymously.” Another website, 4plebs, “archives 4chan’s ‘/pol/’ message board content back to 2014.” *VICE News* used the archives to analyze “more than 1 million comments” on 4chan’s “politically incorrect” (/pol/) board. It found that since 2015 “slurs against racial, ethnic, religious, or sexual or gender minorities have increased by 40%.” 8chan, a spinoff from 4chan and notorious for its use by mass murderers in the U.S. and New Zealand, “doesn’t keep complete archives . . . in part because of child pornography present on many pages.” https://news.vice.com/en_us/article/d3nbzy/we-analyzed-more-than-1-million-comments-on-4chan-hate-speech-there-has-spiked-by-40-since-2015

Bilateral and multilateral news.

Armenia/Turkey. A Turkish historian of the Armenian genocide during World War I said “signature analysis” of two letters show they are the “authentic work of Bahaettin Shakir, one of the architects of the Armenian Genocide,” and both say that the Committee of Union and Progress “has decided to annihilate all of Armenians living within Turkey,” *Eurasia Review* reported. https://www.eurasiareview.com/18072019-historian-uncovers-solid-evidence-for-armenian-genocide/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Balkan war. The Supreme Court of the Netherlands upheld a lower court ruling that the Dutch government was “partially liable for the deaths in 1995 of 350 Muslim males who were expelled from a U.N. base [staffed by the Dutch battalion] and killed by Bosnian Serb forces at Srebrenica,” *Reuters* reported. The court, however, rejected the charge “that the assistance given by Dutch forces in removing those gathered outside the base had been unlawful.” The defense ministry said the government “accepts the verdict of the Supreme Court.” The ruling “paves the way for payments to the families of victims and survivors,” but they are likely to receive only a “few thousand euros” as compensation. <http://news.trust.org/item/20190719081019-y88tk/>

Bosnia signed separate agreements with Croatia and Serbia “on working rules and procedures as part of a protocol intended to make the search for the remaining thousands of missing persons from the 1990s wars more effective,” *BIRN* reported. The aim is “to improve the process of finding missing persons and hidden graves, to enhance the sharing of information and enable joint exhumations.” Some 7,200 people are still missing from Bosnia, 3,000 from Serbia and 1,892 from Croatia. https://balkaninsight.com/2019/07/30/bosnia-croatia-serbia-sign-missing-persons-search-agreements/?utm_source=Balkan+Insight+Newsletters&utm_campaign=b2596d1118-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-b2596d1118-319725265

Cameroon/France. France opened its diplomatic documents, 1957-1971, relating to the independence of Cameroon. <https://www.journalducameroun.com/independance-du-cameroun-la-france-ouvre-les-archives/>

Guatemala/United States. An article in *Foreign Policy* linked the U.S.'s "quiet acquiescence" to the threats against the Guatemala police archives to the U.S. demand that Guatemala help stem the flow of asylum-seekers and refugees into the U.S. "The move to suppress the archives is part of a larger campaign by Guatemalan President Jimmy Morales, who faces allegations of receiving illicit campaign funds, to undercut the rule of law through the purge of judges, police officials, and archivists who have been at the forefront of Guatemala's effort to investigate corruption, narco-trafficking, and war crimes, according to foreign diplomats and independent experts." <https://foreignpolicy.com/2019/07/30/guatemala-declares-war-on-history-dirty-war-archives-jimmy-morales/>

Gulf countries/India. India's external affairs minister said "as many as 9,771 complaints of torture have been filed by Indian workers in the Gulf countries this year," *Times of India* reported. "As per the information given by Missions and Posts in the Gulf countries, as on 30-6-2019, Kuwait tops the list with the highest number of complaints (2377)." <https://timesofindia.indiatimes.com/india/9771-complaints-of-torture-filed-by-indian-workers-in-gulf-countries-in-2019-s-jaishankar/articleshow/70259700.cms>

Israel/Palestine. Akevot, the Israeli nongovernmental organization, released a report *Silencing: DSDE's Concealment of Documents in Archives* (DSDE is Director of Security of the Defense Establishment). The report is the "result of an extensive 2-year research . . . uncovering an unlawful Ministry of Defense mechanism to conceal archival records in various archives, without any authority under Israeli law." Akevot also released in both the Hebrew original and an English translation "one of the documents that were concealed by the DSDE in one of the archives." The document was prepared by Israeli military intelligence in June 1948 and is "a key document to understanding some of the events at the heart of the Israeli-Palestinian conflict." Thanks for Lior Yavne for the links and to the Akevot researchers for the diligent work. <https://www.akevot.org.il/wp-content/uploads/2019/07/Silencing-Akevot-Institute-Report-July-2019.pdf>

Following the Akevot release, *Haaretz Weekend Magazine* published a long article titled "Burying the Nakba: How Israel Systematically Hides Evidence of the 1948 Expulsion of Arabs." It said "a battle" is "being waged for access to archives in Israel" and provided candid comments from archivists and former Defense officials. <https://www.haaretz.com/israel-news/.premium-MAGAZINE-how-israel-systematically-hides-evidence-of-1948-expulsion-of-arabs-1.7435103> For further commentaries on the Akevot and Haaretz pieces see: <https://972mag.com/dont-wait-israeli-archives-prove-palestinians-already-know/142201>; <https://www.juancole.com/2019/07/conceal-emptying-archives.html>; <https://www.haaretz.com/israel-news/.premium-israel-didn-t-aim-to-distort-history-by-concealing-nakba-docs-ex-top-official-says-1.7570626>

Middle East war. After making three visits to the al-Hol refugee camp in June 2019, Human Rights Watch issued a press release saying, "The Kurdish-led Autonomous Administration for northeast Syria is holding more than 11,000 foreign women and children related to Islamic State . . . suspects in appalling and sometimes deadly conditions in a locked desert camp" where, according to the United Nations, "at least 240 children have died en route or upon arrival." However, "international aid group members" said camp authorities "do not appear to consistently record deaths." <https://www.hrw.org/news/2019/07/23/syria-dire-conditions-isis-suspects-families>; see also the report on al-Hol from the UN Office for the Coordination of Humanitarian Affairs at <https://reliefweb.int/report/syrian-arab-republic/syria-humanitarian-response-al-hol-camp-situation-report-no-5-5-july>

"For the first time a court in The Netherlands has convicted a Dutch-born former Islamic State fighter for war crimes," *justiceinfo.net* reported. The prosecution used "social media material as evidence" to show the man's responsibility, including images on Facebook, information from a phone seized by the Dutch police, and geolocation of images circulating on the Internet. <https://www.justiceinfo.net/en/tribunals/national-tribunals/42008-first-dutch-islamic-state-fighter-convicted-for-war-crimes.html>

For a discussion of Syrian war-crimes cases in Germany being prosecuted under the concept of universal jurisdiction see <https://www.theatlantic.com/international/archive/2019/07/can-germany-convict-syrian-war-criminals/595054/>

Republic of the Marshall Islands/United States. The U.S. conducted 67 nuclear tests in the Marshall Islands between 1946 and 1958. Three studies published in *Proceedings of the National Academy of Sciences* (U.S.) by the Columbia University Center for Nuclear Studies report that recent investigations

show “the concentration of nuclear isotopes of some of the islands was well above the legal exposure limit established in agreements” with the U.S. and the residual radiation levels in some of the islands “are far higher than in areas affected by the Chernobyl and Fukushima disasters.” https://www.eurasiareview.com/18072019-radiation-in-parts-of-marshall-islands-is-higher-than-chemobyl/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Russia/Ukraine. *Open Democracy* published an article on the impact of the 2015 opening of access to State Security Services Archives which is allowing Ukrainian citizens to discover “what really happened to their family members under Stalin.” It includes an interview with the director of the archives, who explains access rules, cautions about the veracity of the information in the documents, and discusses the need of staff members to distance themselves from the descriptions in the records. <https://www.opendemocracy.net/en/odr/seven-kilometers-memory-en/>

Syria/Turkey. *Eurasia Review* reported that Human Rights Watch said “Turkish authorities are detaining and coercing Syrian into signing forms saying they want to return to Syria and then forcibly returning them there,” but Turkey’s Interior Minister denied that the returns are forced. In early July police in Istanbul increased “spot-checks of Syrians’ registration documents” and in late July Istanbul’s provincial governor said “Syrians registered in one of the country’s other provinces must return there by August 20 and that the Interior Ministry would send unregistered Syrians to provinces other than Istanbul for registration.” https://www.eurasiareview.com/28072019-turkey-forcibly-returning-syrians-to-danger-says-hrw/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Vietnam war. *The Atlantic* published an article on the exposure of populations in Laos and Cambodia to Agent Orange. During the war Agent Orange was used to kill vegetation, but it has been shown to cause “cancer and heart disease in those directly exposed and an array of birth defects in their descendants.” The reporter said U.S. records of spraying in Laos are “incomplete” and “undocumented spray drift” may have occurred in Cambodia (in addition to the 40,900 gallons known to have been used there). The U.S. “offers no assistance to affected Cambodians and Laotians, and constrains benefits to Americans who secretly served in those countries without entering Vietnam but still may have been exposed.” https://www.theatlantic.com/international/archive/2019/07/agent-orange-cambodia-laos-vietnam/591412/?utm_source=newsletter&utm_medium=email&utm_campaign=atlantic-daily-newsletter&utm_content=20190722&silverid-ref=NTI0NDYyODAzNDgwS0

National news.

Afghanistan. The United Nations Assistance Mission in Afghanistan said 3,812 Afghan civilians were killed or wounded by the ongoing conflict in the first half of 2019. For the second quarter in a row “civilian deaths attributed to pro-government forces exceeded those caused by anti-government elements.” <https://unama.unmissions.org/un-urges-parties-heed-call-afghans-zero-civilian-casualties>

Albania. Parliament is “currently reviewing the country’s law that regulates the study of communism” and has proposed changes that will “prevent a state institute tasked with probing Communist-era crimes in Albania from studying incidents that happened during World War II,” *BIRN* reported. https://balkaninsight.com/2019/07/16/albania-to-ban-the-study-of-wwii-as-part-of-communist-period/?utm_source=Balkan+Insight+Newsletters&utm_campaign=4410525359-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-4410525359-319725265

Algeria. According to *Mondafrique*, the Army is considering releasing some records of the former Algerian political police. <https://mondafrique.com/30461-2/>

Bangladesh. *South Asia Terrorism Portal* published an analysis of the work of the International Crimes Tribunal, which is trying persons accused of war crimes during the 1971 independence war against Pakistan. The trials began on 25 March 2010 and have indicted 124 persons, and verdicts have been “delivered against 88 accused, including 62 death penalties [6 carried out] and 26 life sentences.” The records of the trials are essential historical archives and must be robustly protected and managed, both during the trials and after the Tribunal ends. <https://www.eurasiareview.com/16072019-bangladesh-relentless-justice-analysis/>

Brazil. *The Intercept* published a long article on “The secret history of Fiat Brazil’s internal espionage network and collaboration with the military dictatorship,” with comparisons to Fiat’s repression of workers in Italy during the same period. The researchers used archives in both Italy and Brazil, but found that a “substantial portion” of the files of the Italian prosecution of Fiat executives for corruption, including actions against workers, are now missing. The article is a fascinating read, showing the essential link between business archives and human rights. Following its publication, the Ministério Público Federal in the Brazilian state of Minas Gerais where the Fiat plant is located opened an investigation into the report of spying and repression of labor at Fiat Brazil. Thanks to Giulia Barrera for pointing out the article (published in February) and the notice of investigation in April. <https://theintercept.com/2019/02/25/fiat-brazil-spying-workers-collaborated-dictatorship/>; <https://www.conversaafiada.com.br/economia/a-verdade-e-dura-a-fiat-apoiou-a-ditadura>

The Labor Prosecutor’s Office said it will create a new “dirty list” of employers engaged in modern slavery “drawn from a roster of companies and people found guilty in labor courts of the practice,” *Thomson Reuters Foundation* reported. The Office hopes to release it in “about” six months; in the interim Office staff members will comb “through thousands of court documents to see who to add.” The Labor list will complement the government’s “dirty list” begun in 2004 which lists companies “blocked from receiving state loans and have restrictions placed on sales.” <http://news.trust.org/item/20190702230508-oiquu/>

“Rare video of one of Brazil’s last uncontacted indigenous tribes has been released to help raise awareness about threat to their survival,” reported *Thomson Reuters Foundation*. The minute-long clip was “shot by chance during a Guajajara [tribal] group hunting trip.” <http://news.trust.org/item/20190723211032-zwziz/>

Colombia. The Ministry of Health issued a report on child abuse, its data showing that “around 42% of young people have experienced some form of abuse.” A third of young Colombians “have suffered violence at home, with a third also witnessing domestic violence,” and “15% of girls and 7% of boys reported being a victim of sexual violence.” https://www.telesurenglish.net/news/40-of-Young-People-in-Colombia-Have-Experienced-Abuse-Report-20190723-0005.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=12

Ecuador. In October 2018 Ecuador’s president announced that half a million acres of Amazon rainforest lands, the traditional home of the Woarani indigenous people, would be granted to Colombian and Peruvian companies for oil exploration. After a series of legal battles during which the government said it had consulted the Woarani in 2012, the Provincial Justice Court of Pastaza ruled that “the government must repeat the prior consultation process according to the standards of international law and the Constitutional Court of Ecuador in order to initiate any future oil activities.” The sentence also “orders the Ministry of Energy and Non-renewable Resources and the Ministry of the Environment to sufficiently train government officials regarding the right to free, prior and informed consultation and self-determination before sending them out into the field.” The court also ruled that the government must investigate “the actions by government officials involved in the unlawful prior consultation process.” A lawyer for the Woarani said the decision is a precedent for other indigenous people to take legal actions to present the auctioning of their lands. The case files of these legal actions are significant human rights archives and must be carefully preserved, both in the court and in the offices of the respective parties. <https://www.amazonfrontlines.org/chronicles/waarani-ecuador-victory-appeal/>; https://www.telesurenglish.net/news/Ecuadorean-Court-Rules-in-Favor-of-Protecting-Waarani-Rainforests-from-Oil-Companies-20190712-0002.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=8

El Salvador. A judge ruled that 17 former members of El Salvador’s military must stand trial on “charges of torture, forced disappearance and forced displacement related to the 1981 El Mozote massacre” during the country’s civil war, *AP* reported. The massacre was documented by the El Salvador truth commission in 1983; the official death toll was 989. “In mapping out the chain of military command and weighing the evidence, the court said it took into account opinions from military experts, historians and anthropologists.” <https://apnews.com/6942ea7e6d67460089b9a4917a27195f>

Ethiopia. In July 2018 Human Rights Watch (HRW) published a report on abuses in Jail Ogaden in Ethiopia’s eastern Somali Region. With a change in government, an HRW researcher went to the prison, and in an interview said he saw “lots of graffiti on the walls with prisoners’ names and dates. Much

potential evidence was strewn about. There were prisoners' diaries and wardens' logs just lying on the ground." Some trials of former jailers are occurring, but clearly without all available evidence. <https://www.hrw.org/news/2019/07/10/interview-inside-what-was-ethiopian-jail-ogaden>

France. "According to Interior Ministry figures, 130 women were allegedly killed in 2017 by their husband or partner, up from 123 in 2016," *Reuters* reported. The Facebook group "Femicides par compagnons or ex" said it had collected data showing 74 women have been killed so far this year. <http://news.trust.org/item/20190706193110-dx5ek/>

Gambia. Three members of the former president's "Patrol Team," known as "the Junglers" testified before the Truth, Reconciliation and Reparations Commission, *justiceinfo.net* reported. They admitted assassinating journalist Deyda Hydera in 2004 and "gave new information on the killing" of a former spy chief, a former military chief, a former lawmaker, "and dozens other who have disappeared under mysterious circumstances during the dictatorship." Preserving the records of the truth commission is essential. <https://www.justiceinfo.net/en/truth-commissions/42026-gambia-full-terror-exposed-before-the-trrc.html>

Honduras. The Inter-American Commission on Human Rights said it "condemns acts of violence committed against trans persons in Honduras," and expressed "great concern on the increase in the number of acts of violence against trans women in Honduras, particularly three murders committed in the first week of July," which bring to 21 the LGBTI persons killed since the beginning of 2019. The local group Cattrachas said more than 300 gay and trans people have been murdered since 2009. <http://news.trust.org/item/20190718194049-d8g04/>; for the statement http://www.oas.org/en/iachr/media_center/PReleases/2019/176.asp

India. *VICE News* reported on the work of "Foreigners Tribunals," a quasi-judicial system that can order the removal a person determined to be non-Indian. "The state of Assam is using these tribunals to embark on what may be one of the largest purges of citizenship in history. The state flagged 4 million people as possible foreigners last year; on August 31 they will find out if they have to face trial." The reporters obtained all the judgments issued in the last six months of 2018 by five of the Assam tribunals and found "nearly nine out of ten cases were against Muslims" and "almost 90% of those Muslims were declared illegal immigrants—as compared with 40% of the Hindus tried." For background, see *HRWG News* 2018-01, 07, 08. https://news.vice.com/en_us/article/3k33qy/worse-than-a-death-sentence-inside-indias-sham-trials-that-could-strip-millions-of-citizenship

An opinion piece published by the nongovernmental South Asia Analysis Group applauded the ruling by a judge on the Madurai Bench of the Madras High Court that the Government of India is to consider the applications for Indian citizenship of the Sri Lankan refugees of Indian Tamil origin who are in refugee camps in Tamil Nadu. The applications of 65 persons had not been "forwarded to New Delhi because it was . . . policy not to confer citizenship on refugees," including the Tamils who fled "after the communal holocaust in July 1983." https://www.eurasiareview.com/07072019-sri-lanka-landmark-judgement-regarding-refugees-of-indian-origin-in-tamil-nadu-oped/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

In May the Association of Parents of Disappeared Persons (APDP) and the Jammu Kashmir Coalition of Civil Society (JKCSS) published *Torture: Indian State's Instrument of Control in Indian Administered Jammu and Kashmir*, a graphic account profiling 432 victims tortured while in detention, 1990 to the present. The *New York Times* followed the report by interviewing more than two dozen Kashmiris and "reviewed hospital documents and spoke with victims' relatives to help verify their stories." The director general of the police in Kashmir told the *Times* the report was "generalizing things based on data that is fake or fuzzed" and provided data showing that the Indian Army investigated 1,052 alleged human rights abuses between 1994 and 31 May 2019 "with 997 of them found by the Army to be 'false' or 'baseless' and punishment meted out to 70 personnel in other cases." <https://www.firstpost.com/india/jk-human-rights-groups-release-report-documenting-decade-long-torture-of-civilians-by-security-forces-6712301.html>; www.nytimes.com/2019/07/06/world/asia/kashmir-india-torture.html

"According to official data, 216 children were born in 132 villages of the [Uttarkashi] district in the last three months. However, not a single girl was among the newborns," reported *ANI*. The District Magistrate said a "detailed survey and study will be conducted to identify the reason" and asked social workers to "submit a report over the data." <https://www.india.com/news/india/no-girl-born-in-132-uttarakhand-villages-in-last-three-months-3723534/>

Indonesia. The Supreme Court found a woman guilty of spreading “indecent” material and “violating decency” and sentenced her to six months in prison and fined her 500 million rupiah “for recording and sharing a phone conversation she had with her boss to prove that he was sexually harassing her,” *BBC News* reported. Subsequently, Indonesia’s parliament approved an amnesty for her, *Reuters* reported. https://www.bbc.com/news/world-asia-48882981?ocid=socialflow_twitter; <http://news.trust.org/item/20190725053709-1451h/>

The nongovernmental organization Solidarity Team for Nduga said 5,200 people, including 700 children, are in a displaced persons camp in the town of Wamena in Papua province and 139 people have died there, *Reuters* reported. A spokesman for Indonesia’s military said the group’s report was a “hoax,” adding, “There is no data on deaths.” For background, see *HRWG News* 2019-04. <http://news.trust.org/item/20190718121224-s0ygs/>

The Truth and Reconciliation Commission in Aceh province held its second public hearing on the atrocities that took place there between 1989 and 2004, reported *justiceinfo.net*. As part of the peace accord that ended the conflict between the central government and the Aceh independence movement, the central government was to establish both a truth commission and a court with jurisdiction over crimes against humanity and genocide. When the central government did not do so, Aceh in 2016 created a local commission; it has taken “more than 2000 statements” and the Aceh parliament has decided to make it a permanent institution. The commission records are important provincial archives. <https://www.justiceinfo.net/en/justiceinfo-comment-and-debate/opinion/42061-aceh-truth-and-reconciliation-commission-giving-a-voice-to-survivors.html>

Iran. An opinion piece in *Eurasia Review* called for justice for survivors of the 1988 massacre of 30,000 political prisoners in jails across Iran, after Ayatollah Khomeini issued a fatwa on execution of “those who wage war on God” and “Death Commissions sent victims to the gallows after mock trials.” At a conference in Albania on 15 July, “survivors and witnesses . . . gave their testimony about the crimes they witnessed” and a woman whose sister was executed called on “the United Nations to form an international fact-finding mission for the #1988Massacre.” Testimonies need to be preserved. <https://www.eurasiareview.com/17072019-call-for-justice-by-survivors-of-irans-1988-massacre-oped/>

Kenya. In 2016 Kenya passed the Community Land Act to enable communities to “legally register and own their communal lands,” reported an opinion piece published by *Thomson Reuters Foundation*. In the three years since the Act, “not a single community in Kenya has been able to apply to have their land rights legally recognized” due to the Act’s complicated requirements, but in July “over 50 representatives from 11 communities . . . travelled to Nairobi and marched to the Ministry of Land to submit registration applications directly.” Each community had “agreed on their boundaries with neighboring communities and created evidence of their land claims by making maps.” The Ministry promised it would “process the communities’ applications within four months.” <http://news.trust.org/item/20190730151357-y1708/>

Kyrgyzstan. “Kyrgyzstan handed citizenship to the last stateless people on its territory . . . in what UN officials hailed as a breakthrough in the global fight to end” statelessness. In 2014 the UN refugee agency launched a campaign to end statelessness in a decade, and Kyrgyzstan is the “first country to meet the deadline.” http://www.thisisplace.org/i/?id=6c11576b-6019-4d75-baf3-df7625c65215&utm_source=Newsletter&utm_medium=Email&utm_campaign=Place

Malaysia. *Asia Sentinel* published an article on Malaysia’s Special Branch, a colonial-era intelligence service that is now within the Royal Malaysian Police. “A former officer who wants to remain anonymous told [the] writer that during the first Mahathir era in the 1990s, his responsibility was to film and photograph cabinet ministers and state chief ministers in compromising situations which could be utilized as a lever against them if necessary at some future point.” It is not clear whether such photos are still in the Branch archives available for use. https://www.eurasiareview.com/12072019-the-special-branch-and-the-malaysian-deep-state-analysis/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Mexico. According to the national public security office, there were 14,603 murders from January to June, versus the 13,985 homicides registered in the first six months of 2018, making the past half year the deadliest on record, *Reuters* reported. <https://www.reuters.com/article/us-mexico-violence-idUSKCN1UG00S>

Pakistan. The national Commission of Inquiry on Enforced Disappearances said that between 2011 and June 2018 “3,983 out of 6,156 missing persons have been traced” and 792 hearings have been held in cities around the country. Apparently presuming that the missing are or were in government custody, *Date* said “the statement has not provided further details about the nature of their crimes and where they have been kept.” <https://menafn.com/1098755364/Pakistan-Missing-Persons-Commission-disposes-of-3938-cases?src=Rss>

Serbia. The nongovernmental Humanitarian Law Center, which “has been monitoring and providing support to war crimes trials ever since the first war crimes proceedings conducted in Serbia in 2002,” released its fourth report on the implementation of the national strategy for the prosecution of war crimes. It found that “no progress has been made in war crimes prosecutions in the forty months since the adoption of the National Strategy” in February 2016. <http://www.hlc-rdc.org/?p=36814&lang=de>

South Sudan. The Human Rights Division of the United Nations Mission in South Sudan has documented “95 separate incidents of violations and abuses in the period from September 2018 until April 2019” in the Central Equatoria region. “These incidents included 30 attacks on villages and led to the killing of 104 civilians and wounding of another 35 as well as the abduction of 187 people. The violence led to the displacement of more than 56,000 civilians within South Sudan, and nearly 20,000 more across the border to Uganda and the Democratic Republic of the Congo.” <https://unmiss.unmissions.org/civilians-deliberately-and-brutally-targeted-during-surge-conflict-central-equatoria>

Taiwan. The legislature passed the Political Archives Act, and President Tsai Ing-wen said “regulations are now in place for the collection, review and declassification of documents on political cases,” reported *Taipei Times*. The President vowed to “press the National Security Bureau and other agencies to declassify major cases from the White Terror era” (1947-1987), saying, “It is important to open these files and ascertain responsibilities for these cases so that we can learn and take lessons from history.” <http://www.taipetimes.com/News/front/archives/2019/07/08/2003718299>

United Kingdom. *Thomson Reuters Foundation* reported that official data from the Home Office obtained by the nongovernmental organization After Exploitation showed that “2,726 people were recognized as likely slavery victims in 2017,” and the National Referral Mechanism formally recognized 507 people “as probable slavery victims . . . either before they were first detained [by immigration officials] or while being held in 2018.” A subsequent article said that government data obtained under the Freedom of Information Act showed “that between 2015-17, Britain’s Home Office did not allow 752 people—or about four in ten non-European victims—to remain after they were recognized as being trafficked.” Persons confirmed as victims receive 90 days of government support but they are not “automatically given” the right to stay in the country, which leaves survivors at risk of homelessness or fresh exploitation, according to anti-slavery activists.” <http://news.trust.org/item/20190709071038-vx2vy/>; <http://news.trust.org/item/20190730103847-1hjxv/>

United States. Linking the 2011-2015 Web-based national Injury Statistics Query and Reporting System to U.S. Census data, a team of researchers measured the relationship between State gun laws and the death of children by firearms. During the five-year period 21,241 children died of firearm-related injuries. Reporting in *Pediatrics*, the researchers said States with stricter gun laws had lower rates of pediatric mortality, and states with laws requiring universal background checks for firearm purchase had significantly lower mortality rates for children. <https://pediatrics.aappublications.org/content/pediatrics/early/2019/07/11/peds.2018-3283.full.pdf>

Another team of researchers used the supplemental *Homicide Reports* of the Federal Bureau of Investigation’s *Uniform Crime Report* to determine domestic and nondomestic firearm homicide rates. The team then merged “several sources of state-level . . . data from 1990 through 2016” from all 50 states “to model domestic (i.e., family and intimate partners) and nondomestic firearm homicide as a function of state-level household firearm ownership.” They found that states in the “top quartile of firearm ownership” had a stunning 64.6% higher incidence of domestic firearm homicide than states in the

lowest quartile. There was not significant difference between states when nondomestic homicide was considered, the study reported in the *American Journal of Preventive Medicine*. [https://www.ajpmonline.org/article/S0749-3797\(19\)30197-7/pdf](https://www.ajpmonline.org/article/S0749-3797(19)30197-7/pdf)

The *Washington Post* and *HD Media* mounted a legal battle to obtain access to the Drug Enforcement Administration's (DEA) Automation of Report and Consolidate Order System database, known as ARCOS, and in July they were given access to part of it. Drug manufacturers, distributors and pharmacies are required to report to DEA "every time they sell a controlled substance," and they "provided the sales data" which went into ARCOS. The *Washington Post* wrote, "The database is a virtual road map to the nation's opioid epidemic that began with prescription pills, spawned increased heroin use and resulted in the current fentanyl crisis, which added more than 67,000 to the death toll from 2013 to 2017." <https://www.msn.com/en-us/news/us/76-billion-opioid-pills-newly-released-federal-data-unmasks-the-epidemic/ar-AAEqs4x?li=BBnbfL#page=2>

The Central Intelligence Agency provided five emails to reporters at the *Wall Street Journal*, the *Washington Post*, and the *New York Times*, but subsequently denied them to independent journalist Adam Johnson. Johnson sued and after losing in a lower court appealed. At the end of June the Court of Appeals denied Johnson access, saying that "the information Johnson seeks is contained in private correspondence sent directly to three reporters . . . and these emails are not generally accessible by the public" and "Johnson has not produced sufficient evidence that the information he seeks was 'made public' by the CIA." <https://fas.org/sgp/jud/johnson-cia-062819.pdf>

CNN obtained emails sent to the supervisor of a Customs and Border Patrol agent, alerting him to a 5 March "episode in which a Honduran man was forced to hold a piece of paper that said, 'Me gustan los hombre(s),' which translates to 'I like men,' while being paraded through a migrant detention center." This story aired just after *ProPublica* reported that "members of a secret Facebook group for current and former Border Patrol agents joked about the deaths of migrants, discussed throwing burritos at Latino members of Congress visiting a detention facility in Texas . . . and posted a vulgar illustration depicting Rep. Alexandria Ocasio-Cortez engaged in oral sex with a detained migrant, according to screenshots of their postings." The Department of Homeland Security ordered an investigation into the postings. <https://www.cnn.com/2019/07/04/us/honduran-migrant-shamed-border-patrol/index.html?fbclid=IwAR2EbDr1B5gpBIZbwHCsIsCyg9dcuYVngl6G-UJlJfUrRz13kwXy2S-fvb4>; <https://www.propublica.org/article/secret-border-patrol-facebook-group-agents-joke-about-migrant-deaths-post-sexist-memes>

Palantir is a company that "acts as an information management service for Immigration and Customs Enforcement, corporations like JP Morgan and Airbus, and dozens of other local, state, and federal agencies." Through a public records request *Motherboard* obtained a Palantir user manual that "gives unprecedented insight into how the company logs and tracks individuals." It "shows that police can start with almost no information about a person of interest and instantly know extremely intimate details about their lives." https://www.vice.com/en_us/article/9kx4z8/revealed-this-is-palantirs-top-secret-user-manual-for-cops

BuzzFeed News used the Freedom of Information Act to obtain a Department of Defense (DoD) Inspector General report from 2010 entitled, "Review of the Joint Task Force Guantanamo's Inclusion of Mental Health Information in Intelligence Reports." The Review was to determine whether DoD intelligence reports "included information regarding the mental health status of sources or their history of medication with substances and to determine the possible effect on finished intelligence." As *Eurasia Review* subsequently reported, the Review is "openly critical of a lack of clarity regarding the protocols for sharing medical information with interrogators" and reported that the policy of access to medical/mental health records changed over time, "ranging from unrestricted access to medical records by interrogators to an almost total restriction." https://www.eurasiareview.com/09072019-2010-guantanamo-military-report-has-concerns-about-reliability-of-intelligence-from-prisoners-with-mental-health-problems-oped/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29 ; <https://www.documentcloud.org/documents/6180412-LEOPOLD-DOD-MDR-FOIA-Guantanamo-Detainee-Mental.html>

Venezuela. Following her June visit, Michele Bachelet, the UN High Commissioner for Human Rights, issued a report saying, "OHCHR considers there are reasonable grounds to believe that grave violations of economic and social rights, including the rights to food and health, have been committed in

Venezuela.” The report was based on “558 interviews with victims and witnesses of human rights violations, and other sources, including lawyers, health and media professionals, human rights defenders, and ex-military and security officers” and “159 meetings with a broad range of state and other stakeholders. . . . The report also reflects the analysis of numerous documents, which OHCHR gathered and examined, including official Government documents, open source reports, legislation and legal documents, medical and forensic reports, media (including social media), videos, and photographs. Wherever possible, OHCHR refers to official information and data, but notes access to such material is limited as official publications, including statistics, have been scarce and completely lacking in some areas, since at least 2015.” https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_41_18.pdf

Conferences, publications.

Organizers of the Computational Archival Science Workshop at [IEEE Big Data 2019](#) (9-12 December, Los Angeles, California) call for papers; submissions due 1 October. Papers accepted will be included in the Conference Proceedings published by the IEEE Computer Society Press. For suggested research topics and submission instructions: <https://dcicblog.umd.edu/cas/ieee-big-data-2019-4th-cas-workshop/>

The Inter-American Court of Human Rights published Case Law Handbooks on “Corruption and Human Rights,” and “Economic, Social, Cultural, and Environmental Rights” and updated the handbooks on “Conventional Review” and “Equality and Non-Discrimination.” <http://www.corteidh.or.cr/publicaciones-en.html>

The *Annual Report 2019* of the Network of Concerned Historians is its 25th *Annual Report*. It contains “news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists, and archaeologists around the globe” and is available in a pdf-version at <http://www.concernedhistorians.org/content/ar.html>

Good reads.

Storing digital images on small biological molecules: <https://www.brown.edu/news/2019-07-03/molecules>

Saving photos during Cambodia’s Khmer Rouge regime: <https://international.la-croix.com/news/lives-in-pictures-are-saved-as-buried-treasures/10510#>

Predicting the future of UN Peacekeeping: <https://us4.campaign-archive.com/?e=974ec5d541&u=5d5693a8f1af2d4b6cb3160e8&id=60c9b877d5>

International justice and the responsibility of companies: <https://www.justiceinfo.net/en/justiceinfo-comment-and-debate/opinion/41943-is-criminal-responsibility-of-companies-the-next-focus-for-international-justice.html>

How to analyze an airstrike: https://blendle.com/i/the-new-york-times/how-to-analyze-an-airstrike/bnl-newyorktimes-20190719-2_1

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