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Commentary.

Archives and accusation. They go together for more reasons than the first letter of each word. Archives have been used to accuse persons and institutions for millennia: what a person or institution did or didn't do, what he or she knew, who he or she was or is. In January an official report by Poland's Institute of Forensic Research in Krakow said Lech Walesa, the leader of Poland's anticommunist Solidarity movement and later the president of Poland, was a Communist paid informant in the 1970s, based on analysis of the handwriting on nearly four dozen documents. As the *New York Times* reported, "The accusations against Mr. Walesa have been made for more than 20 years, and he has long maintained that they are a result of a vendetta by former Communists." <http://ipn.gov.pl/en/news/899.Information-on-the-experts-opinion-on-the-secret-collaborator-Boleks-files.html> The Lustration Commission in Macedonia, which reviewed massive quantities of government archives, accused some 300 people of cooperating with the Communist-era secret police. Many of those named challenged the accusations, even when backed by documents, and eventually the government closed the controversial commission. <http://www.balkaninsight.com/en/article/macedonia-scraps-lustration-keeps-sanctions-against-spies-08-26-2015> Activists use archives to name and shame corporations for causing environmental damage or for marketing unsafe products. And while archives are good, often very good, evidence, they are not always either complete or easy to use in that way.

In fact, for purposes of proving an allegation, archives are often much like the tesserae that make up a mosaic. Each document contributes its bit, and with skill a researcher can arrange the information into a persuasive picture. If the research is simply whether or not a person signed a card pledging adherence to a group of political party, the assemblage of tesserae is probably not required. But for lots of questions it is, and that's one reason academic interpretations of events can differ so widely.

Items in archives usually are either smoke or a gun but not a smoking gun. I have, in my lifetime in archives, seen two written documents that seemed to be clear, unmistakable evidence of a crime that was committed. But I was skeptical of both documents. One looked very much as if it had been created using false information and placed in a file to get someone else into very serious trouble. The other seemed authentic, but may simply have been the writer making an evil, cynical joke about the kind of work that a unit was doing.

This is not to say that there are no facts in archival documents; there most certainly are. The law from antiquity to the present has wrestled with how to validate evidence in court, and countries have developed elaborate rules on the issue. But archivists aren't judges and interpreting the records is not our mandate. Our work is the trust we are given to preserve the records in our care honestly and faithfully so that others may judge their veracity. As Demosthenes (who knew rather a lot about accusation) argued in his oration *On the Crown*, "You stand revealed in your life and conduct, in your public performances and also in your public abstinences." We archivists abstain from accusation, but we make it possible for others to accuse.

Human Rights Working Group news. The Working Group is participating in a project to develop frameworks to help institutions manage safe havens for archives at risk. The first meeting was hosted by swisspeace and the Swiss Federal Department of Foreign Affairs last October and the second was held at the International Institute of Social History in Amsterdam in January. The "outcome document" from the autumn meeting is posted here:

http://archivesproject.swisspeace.ch/fileadmin/user_upload/archivesproject/Publications/Save_havens_for_archives_Final_outcome_paper_2016.pdf. The group plans to have further documents ready for discussion in June.

The list of countries and topics covered in the 2016 issues of *HRWG News* is available. Items on 104 countries, plus many on international organizations and corporate bodies, were included during the year. Copies are available from Trudy@trudypeterson.com.

International news.

International Court of Justice. Ukraine filed suit against Russia, accusing it of “terrorism financing and racial discrimination in Ukraine.” The application to the court accuses Russia of acts in connection with the annexation of Crimea and Russian backing of separatist fighters in eastern Ukraine. It includes photographs taken from media and from the report of the investigation of the shooting down of the Malaysian Airlines flight over Ukraine in July 2014. <http://www.icj-cij.org/docket/files/166/19314.pdf>

International Criminal Court. On the last day of their summit meeting, African Union (AU) leaders adopted “a political statement of support by the AU if any of the court’s 34 African members chooses to withdraw from the court,” reported *Voice of America*. The decision is not legally binding, but a researcher at the Addis Ababa-based Institute for Security Studies said the decision “motivates African states to withdraw based on their own sovereign decisions without any clash from the African Union.” Burundi, Gambia and South Africa have already announced their intent to withdraw. <http://www.voanews.com/a/quietly-au-encourages-withdrawal-from-international-criminal-court/3701428.html>

International Criminal Tribunal for the former Yugoslavia (ICTY). *BIRN* reported on the ICTY’s plans for closure in November 2017. The ICTY’s work will be carried on by the Mechanism for International Criminal Tribunals which “will have two important tasks – to preserve and manage the archive of the ICTY and to assist in national jurisdiction.” The article commented, “[T]he ICTY can claim an immense contribution to transitional justice in the huge archive it has amassed, with more than two million pages of transcripts and documents now online. In the coming years, copies of these archives will be moved to the Bosnian capital Sarajevo, while negotiations are ongoing with other countries to have some parts of the archives stored there too. Bearing in mind that military archives are closed in most of the countries of the former Yugoslavia, this is a significant contribution to researchers, historians and media, enabling them to continue exploring different aspects of the 1990s wars.” http://www.balkaninsight.com/en/article/the-last-year-for-the-icty-01-02-2017-1?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=45b8aea497-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-45b8aea497-319755321

Organization for Economic Cooperation and Development (OECD). The OECD accepted a 228-page complaint from the nongovernmental organization Survival International and agreed to investigate its charges that WWF, the world’s largest conservation organization, “facilitated abuse of Baka people of Cameroon.” The complaint will be “mediated by a Swiss government official” and marks “the first time the conduct of an international charity has been scrutinized under the OECD’s guidelines for multinational enterprises, which usually define responsible conduct for commercial companies,” reported *The Guardian*. <https://www.theguardian.com/environment/2017/jan/05/oecd-to-examine-complaint-against-wwf-over-human-rights-abuses-in-cameroon>

United Nations. *Real News Network* interviewed the chair of the Intergovernmental working group on the proposed treaty on business and human rights. <https://business-humanrights.org/en/videos-interviews-with-chair-of-un-intergovt-working-group-on-proposed-treaty-on-business-human-rights> The UN “scoping paper” on “State-based non-judicial mechanisms relevant for the respect by business enterprises for human rights: current issues, practices and challenges” is here: https://business-humanrights.org/sites/default/files/documents/Initial%20scoping%20paper_ARPII_final.pdf The Human Rights Working Group is developing a position paper on the importance of archives in the context of business and human rights.

Twenty-one Syrian nongovernmental organizations sent a memorandum to the United Nations Secretary-General on the General Assembly’s Resolution to establish a “Mechanism” to “Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in

the Syrian Arab Republic since March 2011.” The group urged the UN to “develop a clear policy on sharing data and exchanging information to ensure that the mechanism maintains the highest level of confidentiality, while also allowing Syrian civil society to access information under certain circumstances.” They pointed out that the resolution focused only on criminal prosecution, but “the information collected by the mechanism and the results of its investigations should be made available for future truth-telling mechanisms, reparations programs, the identification of missing-persons, and efforts to resolve the dilemma of detainees.” <https://syriaaccountability.org/updates/2017/01/19/a-memorandum-to-the-secretary-general-of-the-united-nations-regarding-the-new-united-nations-mechanism-for-investigation-and-prosecution/>

World/general news.

Business records. Ever since 2011 *HRWG News* has carried stories about a lawsuit that began in 1993 when a group of indigenous and farmer residents of the Ecuadorian rainforest sued the Chevron oil company’s predecessor (Texaco) in New York, alleging that the company left behind an environmental and public health disaster from its oil venture in the Amazon between 1972 and 1990. The Ecuadorians won a large financial judgment in the Ecuador court, but a U.S. court refused to force Chevron to pay. The Ecuadorians next turned to a Canadian court which has now ruled that Chevron Canada is a separate entity from the parent corporation and the Canadian assets cannot be used to pay the judgment against it. The court did allow other parts of the suit to proceed, reported *thestar.com*. For background see *HRWG News* 2016-08. <https://www.thestar.com/news/canada/2017/01/21/canadian-court-issues-ruling-in-legal-battle-between-ecuadorian-villagers-and-oil-giant-chevron.html>

Courts in both the United States and the United Kingdom ruled in suits against Royal Dutch Shell for its alleged environmental destruction in the Niger Delta. The UK court ruled that “Royal Dutch Shell cannot be held responsible for the actions of its Nigeria subsidiary,” reported Amnesty International, but gave the two Nigerian communities that brought the action the right to file an appeal. The U.S. court ruled that the law firm of Cravath, Swaine & Moore, which had defended Shell in an earlier related case, had to turn over the documents it held on the previous case so that the plaintiff could provide them to the court in the Netherlands where a case against Shell is being heard.

<https://www.earthrights.org/blog/us-court-assists-dutch-human-rights-lawsuit-against-shell>; <https://www.amnesty.org/en/latest/news/2017/01/uk-shell-ruling-gives-green-light-for-corporations-to-profit-from-abuses-overseas/>

A U.S. lawyer who “advises coal plant owners and operators regarding environmental compliance obligations” published advice titled, “Coal Plant Shutdowns: Operators should implement their document retention policies and protect against future asbestos claims.” He urged plant operators to retain and manage records relating to location of asbestos in a plant, employment records and contractor documents showing the locations where workers were assigned, and general liability insurance policies which, even if “issued 35, 40 and 50 years ago may provide a literal treasure trove should asbestos claims surface.”

<http://www.jdsupra.com/legalnews/coal-plant-shutdowns-operators-should-24294/>

Medical records. A team of British researchers reported that “approximately half of studies published on new medical treatments leave out at least some of the adverse effects they uncovered.” They arrived at this conclusion, reported *Scientific American*, by analyzing 28 journal articles and cross-checking “the published data from more than 500 clinical studies with their original data sets.” One of the investigators call it “alarming,” saying that “if you can access only half the information, then a decision on choosing a particular drug or device might not be as reliable as you’d like.” https://www.scientificamerican.com/article/hidden-side-effects-medical-studies-often-leave-out-adverse-outcomes/?WT.mc_id=SA_TW_HLTH_NEWS

STAT reported that a drug for morning sickness (Diclegis, formerly called Bendectin) “taken by some 33 million women worldwide since the 1950s” has an uncertain safety record. Researchers at the University of Toronto “got hold of 36,000 pages of information” on the early 1970s test of Bendectin from the U.S. Food and Drug Administration and from Health Canada, which showed “methodological defects” in the pre-release drug trials; the raw data of the study is “unavailable” today. The study is part of an initiative called “restoring invisible and abandoned trials” (RIAT). <https://www.statnews.com/2017/01/04/morning-sickness-diclegis-bendectin/>

USA Today reported that the U.S. Centers for Disease Control and Prevention “is keeping secret large swaths of information about dozens of recent incidents involving some of the world’s most dangerous bacteria and viruses.” The newspaper’s investigation “highlighted how many university, government and private labs have fought to keep records secret about incidents and regulatory sanctions.”
<http://experience.usatoday.com/story/news/2017/01/04/cdc-secret-lab-incidents-select-agents/95972126/>

Privacy. An opinion piece published by the *New York Times* argued that “there’s been an epidemic of cybercriminals and thieves hacking and stealing” health data. The authors argued that there are several reasons for the attacks: first, “these records include information that makes them more valuable to hackers than almost any other type of data” because the information can be used for everything from purchasing drugs to creating fraudulent bills; second, the theft “often” is international, making it hard for the targeted country to obtain the thieves for prosecution; and, finally, the companies hacked want to limit the amount of time the “embarrassing breach will be in the news.” The writers argued for storing medical data “in individual or family units rather than in centralized databases.” http://www.nytimes.com/2017/01/02/opinion/the-health-data-conundrum.html?_r=0

YaleGlobal Online analyzed the “hidden global trade in patient medical data,” but instead of pointing to thieves, it pointed to data-mining firms. One firm “operates in more than 100 countries” and “assembles dossiers on more than half a billion patients worldwide from physician records, prescriptions, insurance claims, lab tests and more.” The article warns that even if the dossiers omit names and national ID numbers, data is becoming ever “more vulnerable to re-identification as computing power advances and a constant influx of data provide ever more clues into who is who and where patients live and work.”
http://www.eurasiareview.com/25012017-the-hidden-global-trade-in-patient-medical-data-analysis/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

“Anonymous” web browsing may not be anonymous, *Eurasia Review* reported. Citing a paper scheduled for presentation at the 2017 World Wide Web Conference, one of the authors said that the research “shows that anyone with access to browsing histories—a great number of companies and organizations—can identify many users by analyzing public information from social media accounts.” In a test using 374 volunteers who gave them access to anonymous web browsing information, the researchers were able to identify more than 70% of them. http://www.eurasiareview.com/22012017-anonymous-web-browsing-history-may-not-be-anonymous/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

The *Washington Post* offered a story about a website called Familytreenow.com “which presents itself as a free genealogy resource” with profiles including “age, birth month, family members, addresses and phone numbers and “guesses” at “possible associates.” The *Post* pointed out that however useful the entire free site might be for genealogy, the unlimited access “is also extremely useful to those who might want to harass or physically harm someone else.”
https://www.washingtonpost.com/news/the-intersect/wp/2017/01/12/youve-probably-never-heard-of-this-creepy-genealogy-site-but-its-heard-all-about-you/?utm_term=.a5c63c747b1c&wpisrc=nl_draw&wppmm=1

Torture. The American Civil Liberties Union provided the *New York Times* and the *Washington Post* with copies of documents it obtained as part of a lawsuit brought against the U.S. government by detainees who were held in prisons and interrogated by the Central intelligence Agency during the period after 2001. The *Times* compared the report of Abu Zubaydah’s interrogation in the government records with the experience he recounted to his lawyers and found “far different” accounts.

In the same story, the *Times* reported that the orders from four judges that the U.S. government preserve a complete, unredacted copy of the U.S. Senate Select Committee on Intelligence Study of the Central Intelligence Agency’s Detention and Interrogation Program and deposit a copy with the courts has not yet been obeyed. The lawyer for one of the persons tortured argued to the court that even though President Obama said he was saving a full copy of the report as part of his presidential records under the control of the National Archives, that “was insufficient, because Mr. Trump might seek to withdraw the report from the archives and destroy it.” For background, see *HRWG News* 2016-12.

<https://www.nytimes.com/2017/01/19/us/politics/cia-torture.html>;
<https://www.lawfareblog.com/update-ssci-report-litigation>

World War II. “The Max Planck Institute in Germany is throwing open its archives to an investigative team” to “find and purge it of human brain tissue removed from victims murdered during Nazi ‘euthanasia’ and human experimentation programmes,” *The Times* reported. In 1990 the samples known at that time were buried in “a ceremony in Munich’s Waldfriedhof cemetery,” but in 2015 additional samples were located. “A team of four experts will spend three years examining all the archives of the institute” as well as have “unfettered access to clinical records at hospitals and asylums, university archives.” A panel member said, “We want to find out who the victims were, uncover their biographies and their fates, and as such give them part of their human dignity back and find an appropriate way of remembrance.”

<http://www.thetimes.co.uk/edition/world/archive-holds-human-brain-tissue-from-nazi-era-hqd7zqxsv>

Poland’s Institute of National Remembrance made public a database on the 9,686 personnel who worked at the Auschwitz concentration camp. <http://ipn.gov.pl/en/news/896.Personal-records-of-the-Auschwitz-concentration-camp-personnel-finally-made-avai.html>

Bilateral and multilateral news.

Al-Qaeda. The U.S. released the “final tranche” of documents its troops seized during the U.S. raid on Osama bin Laden’s Abbottabad, Pakistan, compound in May 2011. <https://www.dni.gov/index.php/newsroom/press-releases/224-press-releases-2017/1474-closing-the-book-on-bin-laden-intelligence-community-releases-final-abbottabad-documents>

Argentina/Italy/Peru/Uruguay. A court in Rome, Italy, sentenced two former heads of state and two ex-chiefs of security forces from Bolivia and Peru and a former Uruguayan foreign minister to life imprisonment for their involvement in the infamous repression in South America called “Operation Condor.” The court, however acquitted fourteen other Uruguayans; the relatives of the victims said they will appeal. For background, see *HRWG News* 2011-12. <http://nsarchive.gwu.edu/NSAEBB/NSAEBB577-Operation-Condor-Condemned-to-Life/documents/Sentenza-Condor-17-1-2017.pdf>

Caribbean and Latin America. The Geneva Centre for Democratic Control of Armed Forces and the United Nations Regional Centre for Peace, Disarmament & Development in Latin America & the Caribbean issued a report on the growth of armed private security forces in the Caribbean and Latin America region. They estimated 16,174 private security companies have more than 2,450,000 legal employees; “previous research” suggested that “up to 2 million” additional personnel are operating “illegally and/or informally.” They warned, “The growth of the armed private security industry is simultaneously a symptom, response, partial solution and a potential aggravator of the armed violence experienced in many developing countries, including the Latin America and Caribbean (LAC) region.” Annex B contains items from many sources illustrating the situation. https://business-humanrights.org/sites/default/files/documents/DCAF%20UNLIREC_Armed%20Private%20Security%20in%20Latin%20America%20and%20the%20Caribbean_Oversight%20and%20Accountability%20in%20an%20Evolving%20Context%202016.pdf

China/Hong Kong/United Kingdom. A journalist wanting to document 1967 anti-colonial riots in Hong Kong found that the city archives lacked records and had to turn to the United Kingdom for information, reported the *South China Morning Post*. The journalist and a following letter to the editor argued that this points to the need for an archives law in Hong Kong to protect and preserve its archives.

<http://www.scmp.com/news/hong-kong/education-community/article/2060221/documentary-makers-struggle-find-footage-hong>
<http://www.scmp.com/comment/letters/article/2061599/hong-kongs-diligent-civil-servants-and-officials-would-gain-archives>

Colombia/Switzerland. The *KOFF Peacebuilding Magazine* reported that swisspeace is supporting the Office of the Attorney General of Colombia in “preparing the investigation files necessary for dealing with the past processes” to be implemented in accord with the 2016 peace agreement between the government and the FARC guerrilla group. <http://www.swisspeace.ch/apropos/archives-foundation-for-dealing-with-the-past-in-colombia/>

Former Yugoslavia. A “far-right news site” in Croatia broadcast two videos from 1992 in which former Croatian President Stjepan Mesic (2000-2010) called into question the death toll at the Jasenovac concentration camp during World War II. *BIRN* reported that the Jasenovac Memorial Site says at least 83,000 people—Serbs, Roma, Jews, other anti-fascists—died there during World War II; Mesic claimed 25,000, saying, “Sometimes 15 days or a month passed without anyone being killed or dying.” Mesic has

refused to confirm or deny whether the videos were genuine “but also said the comments could have been a ‘tactical’ attempt to mobilise Croats against the Serbs during the early 1990s war.”

http://www.balkaninsight.com/en/article/videos-reveal-croatian-ex-president-shocking-wwii-statements-01-24-2017?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=b2ba5cbd04-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-b2ba5cbd04-319755321

France/ICRC. A law passed in France in late December 2016 gives the International Committee of the Red Cross the possibility, “on written and reasoned request,” to “obtain from the administrations of the State, local authorities, their public administrative establishments, social security bodies and bodies responsible for the management of social benefits” information they hold that will help to determine the fate of a person. <https://www.linkedin.com/pulse/un-super-droit-dacc%C3%A8s-aux-archives-publiques-conf%C3%A9r%C3%A9-%C3%A0-ranquet>

Germany/Namibia/United States. “Descendants of the Herero and Nama people from what is now Namibia are suing Germany in the United States over a genocide carried out by German colonial troops in the early 1990s, in which more than 100,000 people were killed,” *Reuters* reported. Germany and Namibia are in negotiations “for just under two years about how to describe and deal with Germany’s past actions,” but members of the Herero and Nama have not been included in the talks. Germany has said “any settlement will not include reparations to victims’ families, even if compensation is awarded to Namibia itself.” The lawsuit seeks “unspecified sums for thousands of the victims’ descendants.” <https://www.theguardian.com/world/2017/jan/05/germany-sued-forgotten-genocide-namibia-herero-nama>

Guatemala/United States. In 1982 an elite unit of the Guatemalan army known as the Kaibiles massacred over 200 people in the village of Dos Erres. The massacre was documented by the Guatemalan truth commission and in a case before the Inter-American Court of Justice. The U.S. immigration service arrested Jose Mardoqueo Ortiz Morales, a former Kaibile, and charged him with taking part in the massacre. <https://www.ice.gov/news/releases/ice-arrests-former-guatemalan-special-forces-member-linked-1980s-massacre#wcm-survey-target-id>

Iraq/Islamic State. The Iraqi government established a Preliminary Court of Mosul at a refugee camp to provide documentation for persons who fled the fighting in Mosul, *Rudaw* reported. A judge explained that Iraq does “not recognize any of the documents that Daesh [Islamic State] issued to the people during the two years of its occupation.” In the refugee camps people “need the documents to prove they are a couple or a family to get a tent, food rations and all kinds of other aid.” http://www.rudaw.net/english/middleeast/iraq/140120174?mkt_tok=eyJpIjoiWW1NMU1qSTNNalUxWkdJeiInOiJ2WDJoOTBSY1F2Wm5ZXC9sZFU0VkfENkJSjIjWTdnekNyQnU1anRuNnY1b0hZZnZJUGlvZHK5UEFudkpTb1Q5NUcwTVwvSE5yb3ZcL05vY2NJNGZwdTJRvPnNjAzOVRZWDICOXNjRlJoY1wvTWFMQ3Jrek1mVjNaR0Jab29zTUtlc1kifQ%3D%3D

IraqiNews.com reported that the Islamic State “destroyed nearly 100 religious places, including churches and Yazidi shrines in Nineveh Plain.” A representative of Sunni Endowment Diwan in Kurdistan said that “all crimes committed by the Islamic State are documented by the concerned committee” and said it is also “documenting and following the situations of women and girls freed from the extremist group.” The Kurdistan Regional Government formed a committee consisting of Sunni Endowment Diwan, Ministry of Peshmerga Affairs, Ministry of Interior Affairs and Ministry of Culture “in order to document crimes committed by the Islamic State in Kurdistan Region.” <http://www.iraqnews.com/iraq-war/islamic-state-destroys-100-religious-shrines-nineveh-plain/>

Islamic State/IS/ISIL/ISIS. *IraqiNews.com* reported that in Nineveh Province “the Islamic State group evacuated its headquarters, and burnt tons of its archives in Tal Afar District, west of Mosul.” The source of the information said the archives were burned “amid strict procedures.” <http://www.iraqnews.com/iraq-war/islamic-state-evacuates-headquarters-tal-afar-burns-archives/>

Kosovo/Serbia. The Humanitarian Law Center, a nongovernmental institution in Belgrade, published a report that “110 people who participated in operations to remove and hide the bodies of hundreds of Kosovo Albanians killed by Serbian forces in 1999 are still living freely in Serbia,” *BIRN* reported. The Center said it had “proof” that former president Slobodan Milosevic “gave an order to his interior minister” to hide the bodies. A Center researcher said, “We tried to get all the information about every one of these officials who we identified as responsible for crimes and for hiding bodies in mass graves, but the police usually gave us files about those who held some positions at the ministry but are now pensioners. We

couldn't get information about the key people from that operation; they said to us that they don't have it.”
http://www.balkaninsight.com/en/article/serbian-officials-accused-of-kosovo-massacre-cover-up-01-31-2017?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=cc177d6c6d-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-cc177d6c6d-319755321
For the report, see <http://www.hlc-rdc.org/?p=33299&lang=de>

Moldova/Romania/Russia. “Politicians in Bucharest have reacted with dismay and in some cases with anger after Russian President Valdimir Putin . . . presented his Moldovan counterpart Igor Dodon with an ancient map of Moldova that includes parts of modern Romania,” *BIRN* reported. At the presentation Putin said, “Half of today’s Romania is actually Moldova.” The map was drawn in 1790 by an Italian cartographer during the Russian-Ottoman war. <http://www.balkaninsight.com/en/article/putin-s-old-moldova-map-alarms-romania-01-18-2017#sthash.twlIDWm5.dpuf>

Russia/Syria. The Syrian Network for Human Rights (SNHR), a nongovernmental organization, issued a report saying it has “documentation for no less than 78 attacks using incendiary ammunition that were dropped by fixed-wing warplanes we believe are Russian” in four Syrian governorates (Aleppo, Idlib, Homs, and Damascus suburbs). SNHR said, “Incendiary weapons containing phosphorus, termite, or napalm have indeed been used widely by the Syrian regime since 2012” but there has been a “significant rise” in use since 2015. For documentation SNHR “relied mainly on survivors’ accounts and eyewitnesses, and on pictures of remnants and fires that resulted from these attacks after we verified their authenticity.” http://sn4hr.org/wp-content/pdf/english/Rain_of_Fire_en.pdf

Somalia/Uganda. The Al-Shabaab rebel group operating in Somalia posted a video of the execution of a Ugandan soldier it captured in September 2015, reported *Crisis Watch*.
https://www.crisisgroup.org/crisiswatch?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=3b45e201fa-EMAIL_CAMPAIGN_2017_02_01&utm_medium=email&utm_term=0_1dab8c11ea-3b45e201fa-359425329

National news.

Afghanistan. Although President Ashraf Ghani said that government-ordered virginity tests are prohibited, the ban is “widely ignored,” the *New York Times* reported. “The main forensic medical center in Kabul, which also processes cases from other provinces, conducted 42 virginity tests in the first half of 2016, about the same pace as the year before during which it conducted about 80, according to medical records there. The overall number of such tests is certainly higher, given that official records across the country are difficult to track down.” For background, see *HRWG News* 2016-03.
https://www.nytimes.com/2017/01/06/world/asia/despite-ban-invasive-virginity-tests-remain-prevalent-in-afghanistan.html?_r=0

Australia. Police in New South Wales “are reviewing the deaths of 88 men between 1976 and 2000 to determine whether they should be classified as anti-gay hate crimes,” reported the *New York Times*. However, “in many of the cases under review, the police said, relevant evidence had not been collected at the time or has since been lost.” <http://www.msn.com/en-us/news/world/when-gangs-killed-gay-men-for-sport-in-australia/ar-AAmqanu>

Brazil. “Half of Brazil’s population”—an estimated 100 million people—“cannot prove full legal ownership of their homes,” reported *Thomson Reuters Foundation*. The government announced a “drive to provide title deeds.” <http://news.trust.org/item/20170127124016-krnec/>

Canada. The 1951 Privy Council order that authorized warrantless domestic spying was released to the public, reported *CBC News*. For background, see *HRWG News* 2016-12. <http://www.cbc.ca/news/politics/cold-war-wiretapping-secret-order-1.3933589>

China. The lawyers for jailed human rights lawyer Xie Yang released the transcripts of meetings they had with him in which he detailed physical and mental abuse. *China ‘Watch’ Canada* published an English translation. <http://chinawatchcanada.blogspot.com/2017/01/document-of-torture-one-chinese-lawyers.html>

Colombia. Human rights activist Emilsen Manyoma and her partner were killed, reported *telesur*. An “outspoken critic of right-wing paramilitary groups and the displacement of local by international mining and agribusiness interests” Manyoma for the past year “played a key role in documenting attacks on human rights leaders” in the Bajo Calima region “as part of the recently created Truth Commission.”
<http://linkis.com/www.telesurtv.net/en/DVzGV>

Czech Republic. The Constitutional Court ruled that “looking into” archival documents such as those from the Nazi and Communist regimes “does not encroach on the rights of the people mentioned in them. Nevertheless, researchers have to take into account the protection of delicate personal data in case they decide to publish them,” *Czech Radio 7* reported. <http://www.radio.cz/en/section/curaffrs/researchers-welcome-ruling-protecting-access-to-historical-archives>

Democratic Republic of Congo. *Voice of America* interviewed the director of the United Nations Joint Human Rights Office about its report on human rights and fundamental freedoms in the DRC. He said the office “documented 5,190 human rights violations, which represents a 30 percent increase compared to 2015, which was already a year of increase compared to 2014.” Congolese security forces “committed 64 percent of the violations and left behind 480 victims of extrajudicial killings and summary executions. The main perpetrator of human rights abuses in the country is the national police, followed by the army and the national intelligence services.” <http://www.voanews.com/a/united-nations-democratic-republic-of-congo-human-rights/3692054.html>:
<http://www.unmultimedia.org/radio/english/2017/01/dramatic-increase-of-human-rights-violations-in-dr-congo/#.WJewD99JdmU>

El Salvador. The national police chief announced that according to police data the murder rate “fell by more than a fifth in 2016.” *Reuters* calculated that this was 81.7 killings per 100,000 inhabitants; in 2015 it was above 100. <http://news.trust.org/item/20170104070454-rd34w/>

Honduras. Honduras, which also has one of the world’s highest murder rates (the United Nations said the rate in 2014 was 84.6 per 100,000 people), is the deadliest country in the world for environmental activism, Global Witness reported following a two year investigation by the nongovernmental organization. More than 120 environmental activists have died since 2010 in “the deadliest place to defend the planet.”
https://www.globalwitness.org/en-gb/campaigns/environmental-activists/honduras-deadliest-country-world-environmental-activism/?utm_source=Supporter+Email+List&utm_campaign=ccb780a454-Honduras_EMAIL_CAMPAIGN_2017_01_31&utm_medium=email&utm_term=0_2246df3038-ccb780a454-130032821

Georgia. *Crisis Watch* reported that Abkhazia’s “de facto parliament” on 29 December amended a law on foreign citizens “softening rules for seekers of residency permits.” The law now allows local ethnic Georgians to receive “local documents solidifying their right to live and work in Abkhazia” but does not allow them to vote in de facto elections or to run for office.
https://www.crisisgroup.org/crisiswatch?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=3b45e201fa-EMAIL_CAMPAIGN_2017_02_01&utm_medium=email&utm_term=0_1dab8c11ea-3b45e201fa-359425329

Kenya. The Federation of Women Lawyers “estimates that only five percent of all land title deeds are held jointly by women with men and only one percent of land titles in Kenya are held by women alone. This is despite figures that show that around 32 percent of households are headed by women and that they are responsible for nearly 90 percent of the farming work,” reported *Thomson Reuters Foundation*. Now that two Chinese firms have been given rights by the government to develop mining in the “coal-rich” Mui Basin, people living in the concession areas will be relocated. The Kenya NGO Council said “widows and single parents are particularly worried as they have no legal claim to their land at all.”
<http://www.reuters.com/article/us-kenya-women-landrights-idUSKBN15121H>

The Chief Justice released his audit report of Kenya’s criminal justice system. He found that more than 75% of prisoners are between the ages of 18 and 35 and that a higher number of poor people are jailed than rich people, reported *Standard Digital*. The Chief Justice found that “despite records at police stations showing the arrests there are no documentation on the circumstances under which they were released” and only 34% of entries “were converted to charges in court.”
<https://www.standardmedia.co.ke/article/2000231096/prisons-are-full-of-young-and-poor-petty-offenders-report-indicates>

Myanmar. A video showing security forces beating and abusing Rohingya villagers in November 2016 was made public. The government confirmed the video’s authenticity, which apparently was made by one

of the members of the force, and arrested several policemen, *BBC* reported. <http://www.bbc.com/news/world-asia-38487067>

Pakistan. The government in Punjab province ordered “about a dozen” nongovernmental organizations to stop work, reported *IRIN*, while another “121 local NGOs had their registration cancelled last week by the Islamabad Capital Territory Administration, bringing the total number to 350 over the past couple years.” The Administration’s director of labour told *IRIN* the registrations were cancelled because NGOs were “getting funds from foreign donors but not letting the administration know about exact source and use of these funds.” These closures demonstrate the need for NGOs to have copies of their important records stored in a safe haven. <http://www.irinnews.org/news/2017/01/25/pakistan-ngos-go-court-fight-government-crackdown>

Philippines. The Philippine National Police confirmed that its records show that 7,028 Filipinos have been killed as part of President Rodrigo Duterte’s “war on drugs,” reported Human Rights Watch. https://www.hrw.org/news/2017/01/24/deadly-milestone-philippines-abusive-drug-war&utm_content=WIR.01.26.2017

Somalia. A group of six teenage boys posted online a video showing them raping two girls last December, reported *Thomson Reuters Foundation*. Although by Somali tradition “rape victims are forced to accept compensation – often in the form of camels or livestock – and marry their assailants,” the families turned down a proposal to pay each girl’s family 100 camels. The “graphic images of the gang-rape, shared on Facebook, have shocked Somalis,” and the justice ministry said it will prosecute the teenaged assailants. <http://news.trust.org/item/20170119143157-vut5q/>

South Africa. Lawyers for Human Rights and the International Federation for Human Rights released a long report on “Blyvooruitzicht Mine Village: the human toll of state and corporate abdication of responsibility for South Africa.” The closing of the mine has left the nearby community with “environmental and health concerns associated with exposure to the unrehabilitated mine site.” Moreover, said the report, “current information regarding these environmental risks appears nearly impossible for the Village to obtain. One hundred percent of those interviewed reported that the government has never discussed or provided any details on possible environmental risks.” The government Department of Human Settlement “closed the file” on the Village, saying it had “trouble tracing community representatives.” Among many recommendations, the report urges the South African Human Rights Commission to “re-open a file on the Village” to monitor the human rights issues there. <https://www.fidh.org/IMG/pdf/rapafriquesud687abassdef.pdf>

Sri Lanka. The UN Special Rapporteur (SR) on Torture released a report noting the “culture of torture” and the “total impunity” of the police. Among the many recommendations, the SR said the government should “ensure prompt and official registration of all persons deprived of their liberty and periodically inspect records at police and prison facilities to ensure that they are maintained in accordance with the established procedures” and “digitize all registrations and records of all persons deprived of their liberty and make them accessible to the National Human Rights Commission.” <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/440/12/PDF/G1644012.pdf?OpenElement>

United Kingdom/Northern Ireland. The Historical Institutional Abuse inquiry published a 2,300 page report detailing “instances of sexual abuse by priests and lay people” and identifying “widespread systemic failings.” It blamed both the Northern Irish government and church authorities. Twenty-two institutions providing child care were investigated, and the inquiry relied on testimonies and records of the institutions and the government. <http://www.thetimes.co.uk/article/ paedophile-priest-s-crimes-ignored-to-protect-church-w9d67j0bd; for the report https://www.hiainquiry.org/historical-institutional-abuse-inquiry-report-chapters>

United States. Following President Donald Trump’s issuance of an Executive Order on immigration, the Society of American Archivists released a “Statement on Executive Order Restricting Entry into the United States by Individuals from Seven Muslim-Majority Countries.” <http://www2.archivists.org/statements/saa-statement-on-executive-order-restricting-entry-into-the-united-states-by-individuals->

STAT News reported on the evaluations of asylum-seekers by health professionals to “prove that they are at risk of persecution in their home countries.” The asylum-seekers “often have little evidence” to back up their claims of danger and “the paper trails from their past lives—such as hospital or police records—are often inaccessible. If they were tortured in a secret government prison or persecuted by the police, that kind

of official record may not exist at all.” Consequently, the evaluations by doctors and psychologists are often the critical documents that judges use when making decisions in asylum cases.

<https://www.statnews.com/2017/01/25/asylum-seekers-psychologists/>

The U.S. Centers for Disease Control and Prevention released a study on the higher rates of death in rural areas compared with metropolitan areas. Using the “mortality data for U.S. residents from the national Vital Statistics System,” the researchers found that rural areas have higher death rates in each age group and “greater percentages of potentially excess deaths from the five leading causes of death.” They recommend “routine tracking of potentially excess deaths” (that is, better records) to help health personnel focus on ways to reduce preventable deaths in rural areas.

https://www.cdc.gov/mmwr/volumes/66/ss/ss6601a1.htm?s_cid=ss6601a1_w

Last year 7,572 trafficking cases were reported to the National Human Trafficking Hotline, the charity that runs the hotline told *Thomson Reuters Foundation*. The director of the charity “attributed the increased numbers of calls to outreach campaigns from organizations such as Truckers Against Trafficking – which trains truck drivers to spot exploitation – as well as victims recommending the hotline to other victims.”

<http://news.trust.org/item/20170131182119-piu7z/>

United States/ California. In 2007 California’s department of mental health gave an historian access to 19 reels of microfilm “containing sterilization recommendation forms with the names, ages, family histories, and diagnoses of nearly 20,000 patients” who were “recommended for sterilization at California state hospitals from 1919 to 1952,” reported *The Atlantic*. The historian had the microfilm duplicated; “the original microfilm was later lost when the department reorganized” and the historian’s copy is now in the state archives. Data (212 individual variables) from the film has been entered into a database; the historian estimates that as many as 831 of the patients are still alive, raising privacy and access questions.

<https://www.theatlantic.com/health/archive/2017/01/california-sterilization-records/511718/>

United States/Florida. In 2005 Florida adopted a “stand-your-ground” law permitting citizens who “reasonably believe” their lives to be in danger to “meet force with force, including deadly force.” A team of researchers analyzed “monthly rates of homicide and homicide by firearm in Florida between 1999 and 2014.” Using data from the U.S. Centers for Disease Control and Prevention, they found that after the law took effect there was “an abrupt and sustained increase in the monthly homicide rate of 24.4% . . . and in the rate of homicide by firearm of 31.6%.” No similar pattern was found in four other states that do not have stand-your-ground laws.

https://www.researchgate.net/publication/310314819_Evaluating_the_Impact_of_Florida%27s_Stand_Your_Ground_Self-defense_Law_on_Homicide_and_Suicide_by_Firearm_An_Interrupted_Time_Series_Study

United States/Illinois. The U.S. Department of Justice (DoJ) reviewed the Chicago Police Department (CPD). It found “that CPD engages in a pattern or practice of force in violation of the Constitution.” As part of the investigation DoJ “did an in-depth review” of reports of force and “investigations of allegations of excessive force.” DoJ “reviewed all documents we were provided related to over 425 incidents of less-lethal force, including representative samples of officers’ own reports of force, and of investigations of civilian complaints about officer force between January 2011 and April 2016. We also reviewed over 170 files related to officer-involved shootings.” Recommendations included strengthening the records practices in the CPD. <https://www.justice.gov/opa/file/925846/download>

United States/New York. New York City is in conflict with state and Federal authorities over its plan to destroy the documents (“copies of birth certificates, foreign driver’s licenses, U.S. visas, and passports”) that persons, including undocumented immigrants, provided to the city to get a municipal identity card. The law authorizing the program called for the identifying documents associated with the card applications to be destroyed in two years. A State legislator introduced legislation to require the city to turn the documents over to the state; *Rewire* said “undocumented immigrants nationwide fear that personal identifying records associated with driver’s licenses and ID cards will be used to find and deport them.”

<https://rewire.news/article/2017/01/31/will-new-york-protect-immigrants-personal-information/>

Course, publications, grants, call for papers.

Swisspeace and the University of Basel are offering a course “Preventing Violent Conflicts,” 3-5 May; registration closes **28 February**. For more information, <http://www.swisspeace.ch/courses/individual-courses/conflict-prevention.html>

Leonor Rossi and Patricia Vinagre e Silva, Portuguese lawyers, published *Public Access to Documents in the EU*. Hart Publishing, book code 9781509905331.

The International Foundation for Information Technology issued a primer on “legal hold”—that is, keeping records past their normal destruction date (out of their normal life cycle), usually because of in-progress or in-prospect litigation. <http://www.if4it.com/records-management-understanding-legal-hold/>

The Institute for Development and Peace, a social science research institute of the University of Duisburg-Essen in Germany, published a report, *Assessing Business-Related Impacts on Human Rights*. http://inef.uni-due.de/cms/index.php?article_id=4&clang=1&pub=1735

The Sedona Conference issued *TAR Case Law Primer*, a “comprehensive review of court decisions addressing the use of Technology-Assisted Review (TAR) in civil discovery from 2012 through 2016.” The *Primer* “discusses more than 35 decisions from state, federal, and foreign [non-U.S.] courts and administrative agencies.” It can be downloaded free of charge at <https://thesedonaconference.org/publication/TAR%20Case%20Law%20Primer?>

Human Rights Watch published its *World Report 2017*. https://www.hrw.org/sites/default/files/world_report_download/wr2017-web.pdf

The EHRI Project (European Holocaust Research Infrastructure) offers short term fellowships to allow archivists, curators and researchers to access 15 European, Israel and American archives, libraries and research institutions. The fellowships are particularly designed to allow for increased transnational exchanges on archival questions and the methods of the Digital Humanities in the context of Holocaust research. The deadline for the fellowship program is **31 March**. For information: <https://ehri-project.eu/ehri-fellowship-call-2016-2018>

Call for papers for a panel on Transitional Justice Archives to be presented at the European Consortium for Political Research General Conference, Oslo, 6-9 September 2017. Send a paper abstract (max 200 words), including a short bio and affiliation to Benjamin Thorne B.Thorne@sussex.ac.uk and Julia Viebach julia.viebach@crim.oc.ac.uk. Deadline is **10 February**.

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