

Written and compiled by Trudy Huskamp Peterson for the HRWG

Commentary.

Grandma Chaem was listening to Buddhist talk radio when the journalists found her. The case against her had just been dismissed by the Extraordinary Chambers of the Courts of Cambodia, where she had been charged with responsibility for mass murder, enslavement and crimes against humanity. Court observers and scholars were convinced the evidence was solid, but no matter: Im Chaem's neighbors in her town, want to know none of this. The *New York Times* wrote, "Villagers emphasized that an important part of local culture was never to pry into other people's pasts. 'Everyone knows Grandma Chaem, knows that she is living in the village, but we don't know her background, what she did,'" said a village man.

https://www.nytimes.com/2017/02/24/world/asia/cambodia-khmer-rouge-im-chaem.html?_r=0 The archives of the Court, assuming they are protected and preserved, will tell the story to those who do want to know.

It is easy to dismiss the concerns of someone living in a Cambodian village where knowing too much could lead to disappearance. But many people living in safe places don't want to know, either. The famous Austrian writer Peter Handke went to the 2006 funeral of Slobodan Milosevic, the Serbian president who died while on trial at the International Criminal Tribunal for the former Yugoslavia, accused of genocide and war crimes. Handke, who calls himself a hater of history, delivered a speech at the funeral, saying, "I don't know the truth." And yet the broadcasts from the court and the archives of the ICTY, including the massive background material that was accumulated, make knowing possible.

And then there are the uncomfortable truths to which many of us are willfully blind: the above ground nuclear testing by the nations with nuclear arms, which harmed people and environment from the Algerian Sahara to the Marshall Islands; the money from the U.S. slave trade that funded prestigious colleges; the extent and complexity of the Holocaust; the crimes of colonialism.

"Sapere aude"--dare to know--was a motto for the Age of the Enlightenment in Europe in the 18th century, although its first documented use seems to have been by the Roman poet Horace in 20 BCE. With the swamp of information on social media and the internet, daring to know must include daring to know what truly happened—sorting facts from false facts. We must dare to know what is in the archives, both the information that makes us uncomfortable as well as that which supports our beliefs. A healthy society supports those who dare to know.

International news.

Extraordinary Chambers in the Courts of Cambodia (ECCC). ECCC dismissed the charges against Im Chaem, a Buddhist nun suspected of playing a role in the Khmer Rouge regime. The judges in the case said they lacked jurisdiction to decide Im Chaem's case as she was "neither a senior leader nor . . . one of the . . . officials of the Khmer Rouge regime," *Jurist* reported. <http://www.jurist.org/paperchase/2017/02/cambodia-genocide-tribunal-dismisses-charges-against-former-khmer-rouge-member.php>

International Court of Justice. Bosnia and Herzegovina "filed a request for appeal against the International Court of Justice's 2007 verdict which cleared the Serbian state of direct responsibility for genocide in Bosnia during the 1992-95 war," *BIRN* reported. Both the Bosnian Serb entity and Serbia objected to the filing. http://www.balkaninsight.com/en/article/bosnian-presidency-split-as-appeal-filed-in-serbia-genocide-case-02-23-2017?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=57d5196006-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-57d5196006-319755321

International Criminal Court (ICC). A former United Nations official who headed the investigations unit of the human rights section of the UN Mission in Congo testified at the Bosco Ntaganda trial. She said she and her team conducted nine investigations in Ituri province, interviewing “up to 1,600 victims and witnesses to crimes such as massacres, rape, abduction, pillaging and destruction,” many of which were attributed to the militia in which Ntaganda was a senior commander, reported *International Justice Monitor*. The investigation reports that the team produced in June 2003 “as well as raw data used to prepare the reports, were . . . tendered into evidence by the prosecution.” <https://www.ijmonitor.org/2017/02/un-investigators-found-widespread-reports-of-crimes-by-ntagandas-forces/>

Gambia’s new president notified the United Nations that he was reversing his predecessor’s notice of withdrawal from the ICC, reported the *Associated Press*. <http://www.sfgate.com/news/world/article/UN-Gambia-formally-reverses-withdrawal-from-ICC-10931315.php>

Kosovo Specialist Chambers (KSC). The European Union approved 19 judges to serve at the Kosovo Specialist Chambers. KSC will hear cases arising from the 2014 European Union Special Investigative Task Force report which said that Kosovo Liberation Army officials would “face indictments for a ‘campaign of persecution’ against Serbs, Roma and Kosovo Albanians believed to be collaborators with the Belgrade regime. The crimes include killings, abductions, illegal detentions and sexual violence,” *BIRN* reported. The records of the Task Force, which presumably are in the custody of the EU, should be available to the court. http://www.balkaninsight.com/en/article/eu-appoints-19-judges-for-the-new-kosovo-court-02-07-2017?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=dd500af98b-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-dd500af98b-319755321

Organization for Economic Cooperation and Development (OECD). OECD issued “Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector.” In Part 4, titled “Track,” it says businesses should “draw on all known information including data from on-going monitoring, internal periodic assessments, issues raised through grievance mechanisms, etc., to validate that the steps taken by the enterprise are preventing and mitigating impacts.” Once again corporate archives are needed to support human rights. <https://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-Garment-Footwear.pdf>

World Bank. Using an array of data sources, from “data on night-time lights intensity” to data on the “spatial location of mineral deposits and mining activities in Africa and historical US mineral prices,” the Bank’s researchers concluded that, taken as a whole, mining increases inequality among geographical areas but that this inequality is not true for all types of mining. The report says the “results largely depend on whether mining is active or closed, the scale of mining operations, the value of minerals extracted, and the nature of mining activities.” http://documents.worldbank.org/curated/en/199981486393989836/The-impact-of-mining-on-spatial-inequality-recent-evidence-from-Africa?cid=DEC_PolicyResearchEN_D_INT

World/general news.

Business records. The Rights and Resources Initiative (USA), a nongovernmental organization, published “From Risk to Conflict to Peace and Prosperity – The Urgency of Securing Community Land Rights in a Turbulent World.” It said the Environmental Justice Atlas “documented over 1,880 resource-related conflicts worldwide, many caused by extractive projects that polluted or damaged the land, air, water, forests, and livelihoods of communities,” and the UN Environment Program “found that 40 percent of all internal conflicts are related to natural resources.” The report noted that private companies incur a “tenure risk;” that is the risk “associated with transferring land rights without the consent of affected communities.” The report argued that “securing women’s rights to community land and resources, in particular, leads to additional benefits for equitable development and stable societies.” The report refers to actions of Nestle, Coca-Cola, Unilever, Pepsico, and others. http://rightsandresources.org/wp-content/uploads/2017/01/From-Risk-and-Conflict-to-Peace-and-Prosperity_RRI-Annual-Review-2016-2017_English.pdf

The Prosecutor General’s Office in Colombia announced “that for the first time private companies were charged with crimes against humanity as part of the justice system put in place as Colombia makes its transition to peace,” *teleSUR* reported. “Around 200 local and international companies are facing charges,” including banana exporters like Chiquita and the cement company Cementos Argos. Corporate archives

will be important sources of evidence. <http://www.fiscalia.gov.co/colombia/noticias/financiacion-de-empresas-bananeras-a-grupos-paramilitares-es-delito-de-lesa-humanidad/>; <http://www.telesurtv.net/english/news/Colombian-Companies-Charged-for-Crimes-Against-Humanity-20170204-0010.html>

The United States repealed the rule that “required extractive sector companies (oil, gas, and mining) to disclose the payments that they make to governments for the commercial development of oil, gas, or minerals.” The companies will no longer have to make a public record of these payments.

<http://www.csrandthelaw.com/2017/02/04/the-fall-of-section-1504-congress-votes-to-repeal-the-revenue-transparency-rule/>

Medical records. Using the U.S. Freedom of Information Act, *STAT* obtained reports sent to the Food and Drug Administration (FDA) between 2006 and 2016 of “adverse events” in more than 370 children who used Hyland’s Teething Tablets or gel, including the deaths of 8 babies which are “still under review.” The FDA in 2010 “pushed Hyland’s to reformulate its remedies” but the agency “doesn’t have someone who can routinely follow up with the patient, the patient’s family, or physician for missing records necessary to take a serious enforcement action.” Hyland’s products are sold internationally.

<https://www.statnews.com/2017/02/21/hylands-homeopathic-teething-fda/>

“Using data from 183 countries” researchers at the Stockholm Environment Institute at the University of York in the U.K. determined that “a pregnant woman’s exposure to air pollution has adverse effects on her fetus” and prolonged exposure is “associated with nearly 1 in 5 premature births globally,” reported the *Washington Post*. The lead author said that air pollution “contributes substantially to infant mortality as well as lifelong health effects in survivors.” The fine particulate matter of air pollution, known as PM2.5, “is produced by man-made sources such as diesel engines, industrial plants and the cooking fuels used mostly in parts of Asia, as well as by natural sources such as chemical reactions occurring in the atmosphere.”

https://www.washingtonpost.com/news/to-your-health/wp/2017/02/21/outdoor-pollution-affects-preterm-birth-rates-study-shows/?utm_term=.5bea3f0015c7

Bilateral and multilateral news.

Afghanistan/Iraq/Syria/United States. The *Military Times* “reviewed and compared airstrike data sets and consulted anonymous sources familiar with” U.S. military “data collection practices” and concluded that “thousands of deadly airstrikes in Iraq, Syria and Afghanistan” were not reported to a public database maintained by the U.S. Air Force. A U.S. military official told the *Military Times* that the database does not include, for example, “strikes conducted by AH-64 Apache attack helicopters” which were used in all three countries. <https://news.vice.com/story/the-pentagon-failed-to-report-thousands-of-u-s-airstrikes-report-says>; for report see <http://www.militarytimes.com/articles/airstrikes-unreported-syria-iraq-afghanistan-islamic-state-al-qaeda-taliban>

Algeria/France. *APS* reported that an inquiry by France’s Cour des comptes (public auditor) found that the archives that were brought to France from Algeria and are now in France’s National Archives have not been preserved adequately. http://www.huffpostmaghreb.com/2017/02/04/archives-algerie_n_14614198.html

Al Qaeda/United States. “After a two-year legal battle under the Freedom of Information Act,” the *New York Times* obtained 200 pages of U.S. Federal Bureau of Investigation records of the investigation of Umar Farouk Abdulmutallab, who tried to blow up an airliner approaching Detroit, Michigan, on Christmas in 2009 using explosives hidden in his underwear. The records of interviews with him provide “ample firsthand testimony from Mr. Abdulmutallab” that the U.S. cleric and Al Qaeda leader Anwar al-Awlaki “oversaw his training and conceived the plot.” Awlaki was killed in a drone strike in Yemen in 2011, “the first American citizen deliberately killed on the order of a president, without criminal charges or trial, since the Civil War.” <https://www.nytimes.com/2017/02/22/us/politics/anwar-awlaki-underwear-bomber-abdulmutallab.html?partner=rss&emc=rss&r=0>

Canada/Romania. A Romanian website downloaded “thousands of Canadian judicial and tribunal decisions, posted them online, and then demanded a ransom to remove them,” reported *The Globe and Mail*. Although the decisions are public documents, most are “not indexed in Google”; however, the Romanian site was open to Google “which led to the easy availability of the decisions for the first time.” A Canadian federal court issued “a declaratory order” that the site was violating Canadian privacy law, noting “that the declaration could be used to submit a request to Google asking for the removal of the offensive

links from its search engine.” *The Globe and Mail* said this decision “may have opened the door for a Canadian version of the European Union’s ‘the right to be forgotten’.” For background, see *HRWG News* 2015-01. <http://www.theglobeandmail.com/report-on-business/rob-commentary/did-a-canadian-court-just-establish-a-new-right-to-be-forgotten-online/article33915916/>

Chile/Germany. Almost a year after the opening of German archives relating to Colonia Dignidad in Chile, a notorious place of criminal activity led by a German immigrant, *Deutsche Welle* talked with researchers about the newly available records. They said the records have confirmed what was known but also have provided some new information, such as declarations of Chilean ex-agents that include names, contexts and facts, including information about weapons. <http://www.dw.com/es/archivos-de-colonia-dignidad-piezas-de-un-rompecabezas-inconcluso/a-37286523>

Croatia/Germany/Serbia. The widow of a German journalist who was killed in 1991 in Croatia “told the county court in Split . . . that she has a recording of an interview that [Serbian paramilitary leader Dragan] Vasiljkovic gave in September 1992, in which he admitted that he commanded the attack on the day her husband was killed,” *BIRN* reported. She said she got the audio recording of the interview from the German reporter who conducted it. Vasiljkovic is on trial for war crimes against civilians and prisoners of war during the war in Croatia. http://www.balkaninsight.com/en/article/witness-claims-captain-dragan-led-deadly-attack-02-07-2017?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=dd500af98b-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-dd500af98b-319755321

El Salvador/United States. In late January U.S. Congressman James McGovern met with El Salvador’s president Salvador Sanchez Ceren and urged him to create a special commission to search for the missing from the civil war (1980-1992) and to open the military archives relating to the disappearances. McGovern promised to “ask President Trump and others to help account for the disappeared – to open up the remaining U.S. records and to provide support to a national commission.” <http://elmundo.sv/congresista-de-ee-uu-pedira-a-el-salvador-abrir-archivos-de-la-guerra-civil/>; <http://mcgovern.house.gov/media-center/press-releases/photo-us-rep-mcgovern-joins-human-rights-delegation-in-el-salvador>

Ireland/United Kingdom. The Irish government refused to release a six year old report on the activities of British police spies in Ireland, *The Times* reported, and “may not publish a second report” on an inquiry that is underway. The British and Irish police have working relationships, and the Irish government’s denial was based “on the grounds that gardai [Irish police] are not prepared to share details of the force’s relationships with international police forces.” <http://www.thetimes.co.uk/edition/ireland/new-report-on-uk-police-spies-may-be-kept-secret-sskddt39l>

Meanwhile, the UK government said that “Northern Ireland’s Historical Investigations Unit (HIU) would be under strict rules drafted by Westminster to effectively protect personnel who had been involved in the British forces” in Northern Ireland during the Troubles “from being taken to court,” *The Times* reported. The Irish Foreign Affairs minister objected, saying, “If a killing has taken place it must be properly investigated to ascertain if it was unlawful and thereafter, if the threshold of proof is met, a prosecution legitimately pursued.” The British Secretary of State for Northern Ireland, said the HIU “would have to examine cases in chronological order so any cases involving British state agents would not be examined first.” He added that cases previously “completed” would not be examined again unless there was “new and credible evidence” that had not previously been available. <http://www.thetimes.co.uk/edition/ireland/flanagan-condemns-shielding-troops-over-troubles-killings-wb55sj0pm>

Jordan/Syria. “Hundreds of thousands of Syrian refugees in Jordan . . . have lost their rights to humanitarian aid and risk deportation because they either left official refugee camps or failed to register with the U.N. refugee agency or the Jordanian authorities,” *Thomson Reuters Foundation* reported. A spokesman for the UN High Commissioner for Refugees said “it had no estimate on the numbers of refugees who are unregistered,” but 633,000 are on its rolls. The Jordanian government says there are 1.4 million Syrians in the country. <http://news.trust.org/item/20170222000704-e7h5t/>

Kosovo/Serbia. The Humanitarian Law Center (HLC), a nongovernmental organization in Belgrade, released a 23-minute documentary film alleging that “approximately 1,400 civilians were killed in 1999 in an area of Kosovo which was under the control of the 37th Brigade of the Yugoslav Army, which at the

time was headed by Ljubisa Dikovic,” *BIRN* reported. The film, which is available on YouTube, “is based on the testimonies of victims and documents from the International Criminal Tribunal for the former Yugoslavia” and research by the HLC staff. http://www.balkaninsight.com/en/article/hlc-documentary-alleges-serbian-army-chief-for-kosovo-war-crimes-02-21-2017?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=7b978c71eb-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-7b978c71eb-319755321

Russia/Ukraine. Russian president Vladimir Putin signed an executive order recognizing passports and other documents (license plates, marriage and divorce certificates, university diplomas) issued by the Russian-backed separatists in eastern Ukraine, *ABC News* reported. <http://abcnews.go.com/International/russia-recognizes-passports-ukrainian-separatists-stoking-annexation-fears/story?id=45600840>

Spain/Syria. A Spanish woman filed a complaint in the National Court in Madrid against nine Syrian officials for the torture and death of her brother, the *Washington Post* reported. Family members recognized the photo of the brother’s corpse among the photos smuggled out of Syria by a military-police photographer known as Caesar. The Syrian Association for Missing and Conscience Detainees had posted a photo of the brother on its Facebook page in hopes that a family member could identify it. The 95-page complaint is accompanied by 3,600 pages of evidence, including a photograph of the man before he was arrested by Syrian forces. This is the first criminal case in a Western court against members of the Bashar al-Assad government. For background on the Caesar photographs, see *HRWG News* 2014-01. <http://www.standard.net/World/2017/02/02/From-a-trove-of-grim-photos-a-case-against-Syrian-President-Assad-s-government>

Syria/United States. *Foreign Policy* reported that U.S. military officials confirmed that the U.S. fired “5,265 armor-piercing 30 mm rounds containing depleted uranium (DU)” during air force bombing in Syria’s eastern desert on November 16 and 22, 2015. Official military videos of both raids, showing bombs hitting Islamic State oil tankers, were posted online “shortly after both attacks” but “have been removed from official coalition channels in recent months.” The U.S. Environmental Protection Agency considers DU a “radiation health hazard when inside the body,” but “doctors and anti-nuclear activists alike say there hasn’t been enough research done to prove the precise health effects and exposure thresholds for humans.” <https://foreignpolicy.com/2017/02/14/the-united-states-used-depleted-uranium-in-syria/>

National news.

Afghanistan. The United Nations Assistance Mission in Afghanistan (UNAMA) released its Annual Report on Protection of Civilians in Armed Conflict. The head of UNAMA said at a news conference, “In 2016 UNAMA documented 11,418 civilian casualties, an overall three per cent increase compared to the previous record-high documented in 2015.” The director of the UNAMA human rights unit added, “Civilian casualties from unexploded or explosive ordinance of war increased by 66 percent – 86 percent of the victims were children. My team tracked the location of every one of the detonations and the trend that we documented was a direct correlation between casualties of exploded ordinance and areas with the heaviest ground fighting.” <https://unama.unmissions.org/release-unama%E2%80%99s-2016-annual-report-protection-civilians-armed-conflict>

Brazil. In May 2016 the nongovernmental organization Nossas Cidades developed a mobile WhatsApp channel called DefeZap to allow people in Rio de Janeiro to report state violence. In the first six months “DefeZap received more than 102 videos, from which Nossas Cidades identified 57 difference instances of state violence”: 42 involving military police, 22 police operations in favelas (neighborhoods), 16 showing “explicit state violence,” 10 where “lethal violence was used,” and 9 showing “police repression of peaceful protests.” Nossas Cidades used the videos to make “32 formal complaints of police brutality to external and internal accountability mechanisms, resulting in 20 official inquiries being launched.” https://www.opensocietyfoundations.org/voices/new-phone-based-tool-lets-brazilians-monitor-state-violence?utm_source=news&utm_campaign=news_020417&utm_medium=email&utm_content=PdJCM2q46Zsg2IkQNjYeM02vI83d3yRdPP9_BJqjrk

Canada. A study by the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police found that policing is “thwarted by poor record keeping,” *CBC News* reported. Of the 20,985 calls to report someone missing between 2008 and 2012, the commission found one-quarter of the files on the missing report “contained no notes about what police had done to investigate the case.” The Commission expressed “deep concerns about the integrity of the RCMP’s ‘subject behavior/officer response’ database

introduced in 2009 to track use of force” by police. The commission’s chair said, “Any database is only as reliable as the consistency of the information entered into it. And in some cases, where we found half of all incidents weren’t recorded, then that’s clearly not reliable.” He added, “Without good record-keeping, trust erodes.” <http://www.cbc.ca/news/politics/rcmp-northern-bc-records-report-1.3984112>

“Provincial tribunals were designed to speed access to justice and take the burden off overcrowded courts,” wrote the *Toronto Star*, “but they routinely block the public’s right to know about disputes they handle.” The *Star* sued the province of Ontario, asking the Ontario Superior Court to order that tribunal “records, including pleadings, exhibits, legal briefs and all other documents on which adjudication is based . . . are public in the same way as court records are public.” See Canada/Romania above for another view of how public are court records in Canada. <https://www.thestar.com/news/canada/2017/02/07/star-launches-legal-challenge-to-end-secrecy-in-ontario-tribunals.html>

Central African Republic. President Faustin-Archange Touadéra appointed Toussaint Muntazini Mukimapa, a military prosecutor from the Democratic Republic of Congo, as special prosecutor of the Special Criminal Court set up in June 2015 to “investigate and prosecute the gravest crimes committed in the country since 2003,” Human Rights Watch reported. The court will have both national and international staff and “will partner with the International Criminal Court, which has a mandate to prosecute crimes since August 2012 but will only be able to focus on a handful of high-level suspects.” A protocol for sharing evidence, including archives, between the two courts needs to be negotiated quickly. <https://www.hrw.org/news/2017/02/21/step-toward-justice-central-african-republic>

China. Police said “all vehicles in Xinjiang must be installed with satellite tracking devices,” reported *CrisisWatch*. What a volume of police archives that could create. <https://www.crisisgroup.org/crisiswatch>

Democratic Republic of Congo. A video that the United Nations peacekeeping department called “shocking footage of killings and executions of civilians by uniformed personnel,” apparently from the national army, is circulating on social media. The United Nations said it was trying “to verify the source of the video and whether it was linked to the recent clashes in the Kasai area,” the *New York Times* reported. “Several analysts said that the footage revealed a government-sponsored massacre of civilians and that the video could be used as evidence of war crimes.” https://www.nytimes.com/2017/02/17/world/africa/democratic-republic-congo-massacre-video.html?_r=0

Egypt. The police shut down the offices of the Al Nadeem Center, “an organization that treats victims of torture and violence,” reported the *New York Times*. A staff member said “about 50 police officers turned up at the center’s offices and put wax seals on the doors;” the Center is challenging the closure in court. Al Nadeem “provided therapy to about 1,000 victims of police abuse, its founders say, and cataloged instances of police torture, unlawful killings and illegal abductions.” Once again, sensitive archives are at risk and need a safe haven to ensure their preservation. https://www.nytimes.com/2017/02/09/world/middleeast/widening-crackdown-egypt-shutters-group-that-treats-torture-victims.html?ref=collection%2Fbyline%2Fdeclan-walsh&action=click&contentCollection=undefined®ion=stream&module=stream_unit&version=latest&contentPlacement=2&pgtype=collection&_r=0

Coptic Christians make up about ten percent of the population. The Islamic State released a video on February 19 “that vowed to step up attacks on the embattled Christian minority in Sinai. The video was followed, in recent days, by a series of attacks by gunmen in El Arish, the main town in northern Sinai,” reported the *New York Times*. https://www.nytimes.com/2017/02/24/world/middleeast/egypt-coptic-christians-sinai.html?_r=0

France. France adopted a “Corporate Duty of Vigilance Law” that follows the UN Guiding Principles on Business and Human Rights. The European Coalition for Corporate Justice published an analysis of the law, noting that each company covered by the law must publish a “vigilance plan” which must include, among other items, “a mapping that identifies, analyses and ranks risks” and “procedures to regularly assess, in accordance with the risk mapping, the situation of subsidiaries, subcontractors or suppliers with whom the company maintains an established commercial relationship.” Trustworthy corporate records will be necessary to fulfil the obligations described in the law. <http://corporatejustice.org/documents/french-corporate-duty-of-vigilance-law-faq.pdf>

Ghana. The Ghana Police Service announced that it will “construct an ultra-modern facility for archival collections and records keeping,” reported *GNA*. At the closing ceremony for a two-week training course on archives and records management attended by twenty police personnel, the Acting Inspector General of Police “expressed concern about the bad information systems at various public sector institutions including the Police Service which impedes court processes and justice delivery and creates huge but avoidable conflicts in land litigations.” <https://www.businessghana.com/site/news/general/140953/Police-Service-to-construct-ultra-modern-archive-facility>

Ireland. An employee of TUSLA, the government child and family agency, “mistakenly copied and pasted” false allegations of the rape of a child into a file on police whistleblower sergeant Maurice McCabe and then sent it to the police where it was “widely circulated in 2013,” reported the *Irish Independent*. The agency called it a “clerical error.” <http://www.msn.com/en-ie/news/newsireland/tusla-counsellor-mistakenly-copied-and-pasted-child-rape-allegations-into-file-on-garda-whistleblower/ar-AAmMPu5>

Kenya. *Thomson Reuters Foundation* reported that Kenya’s disabled mothers are “neglected due to dearth of data.” A 2007 survey showed that nearly 5 percent of the Kenyan population suffer some form of disability, but no survey or census since then has asked about disability. “Given that governments and donors rely on data to identify development concerns, Kenya’s lack of statistics on disabled people accessing health services means their needs are at risk of being ignored, experts warn.” <http://news.trust.org/item/20170206130557-z57g9/>

Kosovo. President Hashim Thaci “launched consultations to establish” a new Truth and Reconciliation Commission to deal with alleged atrocities during the 1998-99 war, *BIRN* reported. http://www.balkaninsight.com/en/article/kosovo-s-president-with-an-initiative-of-reconciliation-02-13-2017?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=8866760dc5-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-8866760dc5-319755321

Libya. A battalion of the Libyan army found “hundreds of antique books and rare Islamic manuscripts stolen by terrorists from Benghazi University,” *ABNA News Agency* reported. Some items were “willfully damaged by the terrorists, while other manuscripts decayed due to negligence.” The terrorist groups were “affiliated with ISIS.” <http://en.abna24.com/news/africa/rare-islamic-manuscripts-stolen-by-isis-restored-in-libya.html>

Mexico. The Supreme Court ruled that that the families of people who disappeared during Mexico’s “Dirty War” (1968-1982) have the right to access government records with the names “of all those listed as disappeared by the government.” The court said the plaintiffs may make those names public. https://www.opensocietyfoundations.org/voices/victory-truth-about-mexico-s-dirty-war?utm_source=news&utm_campaign=news_021117&utm_medium=email&utm_content=PdJCM2q46Zsg2lkQNjYeM02v183d3yRdPP9_BJqjrk

“The final version of an internal review by the Mexican government into the conduct of investigators searching for 43 missing students has rejected an earlier report that found that the officials’ mishandling of suspects and evidence broke the law,” the *New York Times* reported. The father of one of the missing said, “The problem is that the evidence was tampered with and the entire investigation has been manipulated and now they are denying the right to truth of 43 families.” For background, see *HRWG News* 2016-04 and 12. <https://www.nytimes.com/2017/02/10/world/americas/mexico-missing-students-investigation.html>

The *Associated Press* reported that official statistics released by the Interior Department show that Mexico had 20,789 homicides in 2016, a 22 percent rise over 2015 (17,034). This is “the steepest rate of increase since the height of the drug war” when 22,852 were killed in 2011. <https://www.yahoo.com/news/mexico-sees-22-percent-rise-murders-2016-181948953.html>

Myanmar. The United Nations High Commissioner for Human Rights (OHCHR) issued a report on the violence against the Rohingya people, saying “human rights violations committed by the security forces include mass gang-rape, extra-judicial killings—including of babies and young children, brutal beatings and disappearances.” It characterized the violence as “very likely commission of crimes against humanity.” Although OHCHR was not permitted to go to northern Rakhine state where the brutality is occurring, the UN Special Adviser on the Prevention of Genocide said the agency “found an overwhelming number of testimonies and other forms of evidence through interviews with refugees who had fled to a

neighboring country.” The UN report was followed by a report from Human Rights Watch that also detailed “rape, gang rape, invasive body searches, and sexual assaults” by the Myanmar army and border guard police against the Rohingya. For background, see *HRWG News* 2016-06 and 11.

<http://www.eurasiareview.com/07022017-burma-rakhine-state-violence-could-be-crime-against-humanity-un/>;
<https://news.vice.com/story/myanmars-brutal-treatment-of-rohingya-muslims-back-in-spotlight-after-two-damning-new-reports>

Nepal. The government extended the terms of the two transitional justice mechanisms (one on truth and reconciliation and the other on disappearances) until February 2018. The new complaint registration period began February 15, reported *CrisisWatch*; together the two bodies have already received over 61,000 complaints. <https://www.crisisgroup.org/crisiswatch>

Nigeria. *Agence France Presse* obtained an audio recording in which Shekau, the leader of a faction of the Boko Haram militant group, boasted of killing the group’s spokesman Tasiu, reported *Vanguard News*. <https://360post.wordpress.com/2017/02/24/abubakar-shekau-kills-boko-harams-spokesman-over-leadership-plot/>

Philippines. In the first court case to challenge the government’s antidrug campaign, an appeals court ruled in favor of the survivor of a drug raid and the families of his four dead companions. The court issued “a protection order keeping the police away from them, ordering the officers involved [who killed the men] to be transferred to another station and ordering the police to disclose any evidence against the suspects that led to the drug raid,” reported the *New York Times*. The lawyer for the victims said that the victims will file murder charges against the police officers. <https://www.facebook.com/notes/philippine-star/a-rare-survivor-of-a-philippine-drug-raid-takes-the-police-to-court/760011057485911>

South Africa. The South African health ombudsman, Malegapuru Makgoba, issued his report into the circumstances surrounding the deaths of mentally ill patients in Gauteng Province. He concluded that 94 psychiatric patients died between 23 March and 19 December 2016 in 27 residential care homes in Gauteng Province. All the homes “operated under invalid licenses” and the patients who died in them “died under unlawful circumstances.” Both the government and the private groups who ran the homes showed “a total disregard of the rights of the patients and their families, including but not limited to the Right to Human dignity; Right to life; Right to freedom and security of person; Right to privacy, Right to protection from an environment that is not harmful to their health or well-being, Right to access to quality health care services, sufficient food and water and Right to an administrative action that is lawful, reasonable and procedurally fair.” In addition to taking testimony from 73 people, the investigation used “documents and/or background information” from the office of Member of the Executive Council for Health in Gauteng Province, the Directorate of Mental Health, the Gauteng Mental Health Review Board, the National Department of Health, Life Healthcare Esidimeni, some nongovernmental organizations and the South African Human Rights Commission. <http://politicsweb.co.za/documents/the-life-esidimeni-disaster-the-makgoba-report>

Syria. Three significant reports on actions in Syria were released. (1) Amnesty International (AI) issued a report on the Saydnaya prison which said that at least 5,000 and up to 13,000 people were killed at the prison by hanging after sham trials. To develop the report, AI interviewed 84 people (“several interviewees shared their testimonies with Amnesty International at significant personal risk”) and “reviewed reports from UN agencies, international NGOs, local monitoring groups and the media.”

<https://www.amnesty.org/en/latest/news/2017/02/syria-investigation-uncovers-governments-secret-campaign-of-mass-hangings-and-extermination-at-saydnaya-prison/>

(2) Human Rights Watch (HRW) said it documented eight instances between November 17 and December 13, 2016, when the government forces used chlorine bombs. The Chemical Weapons Convention forbids the use of toxins to kill or injure; Syria signed the Convention. HRW said its conclusions relied on interviews with medical workers and witnesses, photographs “that include what appear to show spent gas canisters and analyses of video.” <https://www.bostonglobe.com/news/world/2017/02/13/syria-used-chlorine-bombs-aleppo-human-rights-watch-says/sCh25PeaejXSqtuYI7EL0N/story.html>; HRW report <https://www.hrw.org/video-photos/video/2017/02/13/aleppo-chlorine-gas-kills-children-civilians>

(3) The Atlantic Council report “Breaking Aleppo” about attacks against hospitals, said “172 verified attacks on medical facilities and personnel were reported across Syria between June and December 2016” with 42% in Aleppo. The Council concluded, “The attacks were so frequent, and some key hospitals were

struck so many times, that the incidents appear to constitute a systematic attempt to destroy the city's medical support." Furthermore, "a compelling body of evidence" suggests "that the Assad government and its allies, including Russia, did indeed have a policy of targeting Syria's hospitals." The analysis used satellite images (including ones from the Russian Ministry of Defense), security camera videos, television footage, photographs by residents, social media, and reconstruction of a bombing by a research organization at the University of London. <http://www.publications.atlanticcouncil.org/breakingaleppo/hospital-attacks/>

Tunisia. Writing in *Nawaat*, Sadri Khiari, a founding member of the Conseil National des Libertés en Tunisie, argued that the government must take risks and open the archives of the political police. <http://nawaat.org/portail/2017/02/06/quen-est-il-des-archives-de-la-police-politique/>

The Center for the Study of Islam and Democracy, a nongovernmental organization based in the United States, organized a lecture and debate at its Tunis headquarters on the topic, "Will torture come to [an] end in Tunisia?" Using the cases of two men who died under torture, the speakers argued that the medical reports on the deaths, including one in the archives of the Presidency of the Republic, were falsified. <https://www.youtube.com/watch?v=g0keO9btcsq>

United Kingdom. In two "state secondary schools" teachers are wearing body cameras during a three-month trial period, reported the *BBC*. The *Times Educational Supplement* surveyed 600 teachers about the cameras; over a third said they would wear them to gather "evidence of student behavior" while the rest said they would not because they were worried about "their own privacy, being spied on by management and privacy for the pupils." Think of the burden on each school that attempts to preserve the camera footage. <http://www.bbc.co.uk/newsbeat/article/38907591/body-cameras-on-trial-in-english-schools>

United Kingdom/Northern Ireland. On 5 January 1976 near the village of Kingsmill in Northern Ireland gunmen stopped a minibus carrying eleven Protestant workmen and shot them; one man survived. The Provisional Irish Republican Army was blamed for the massacre, and shortly thereafter later a "palm print was discovered on the suspected getaway van" used by the killers, the *Belfast Telegraph* reported. Last May a match for the print was found "after remaining unidentified for more than 40 years" and a man was arrested. On February 9 the Public Prosecution Service announced that it will not prosecute the man because "a lack of records have made it difficult to link the van with the murders and also to prove exactly when the palm print was discovered in the van." <http://www.belfasttelegraph.co.uk/news/northern-ireland/bitter-disappointment-over-decision-not-to-prosecute-ira-kingsmill-massacre-suspect-35437295.html>

United States. A study by researchers from the University of Southern California and Boston University found that "men ages 18 to 64 who are Hispanic immigrants have the highest average workplace injury rate at 13.7 per 1,000 workers, followed by African American men (more than 12), U.S.-born Hispanic men (nearly 12), white men (11.8), and Asian Americans (nearly 10)." The researchers used data from the U.S. Census Bureau and the U.S. Bureau of Labor Statistics. The lead author said, "Disparities in economic opportunities for minorities lead them to take more hazardous jobs." *Eurasia Review*, which reported the study, noted "discrimination has been a factor in poor worker safety throughout history." http://www.eurasiareview.com/13022017-latino-immigrants-face-greatest-risk-of-injury-disability-on-job/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

In an investigative report, *CNN* concluded that "more than 1,000 nursing homes across the country have been cited for somehow mishandling or failing to prevent alleged cases of sexual assault at their facilities in recent years." The researchers began "by obtaining federal inspection reports filed between 2013 and 2016. These reports are filed by state health inspectors working in conjunction with the federal government for the more than 15,000 nursing homes that receive Medicare and Medicaid reimbursements." They then turned to police and court records; the story includes images of documents from a prosecutor's case file. <http://www.cnn.com/interactive/2017/02/health/nursing-home-sex-abuse-investigation/?elqTrackId=8879a224c23441a780a9cb21d90e367f&elq=3f8a4d606dfc4a87804e5a6e0629e237&elqaid=12714&elqat=1&elqCampaignId=5209>

The U.S. Centers for Disease Control released a "data brief" on drug overdose deaths in the United States between 1999 and 2015. Using data from the "National Vital Statistics System, Mortality," the report said

drug overdose deaths in the United States in 2015 were “more than 2.5 times the rate in 1999” and the percentage of deaths involving heroin tripled. <https://www.cdc.gov/nchs/products/databriefs/db273.htm>

Members of Native American tribes, environmentalists and other activists protested the proposed route for the Dakota Access Pipeline, which commercial companies are building to carry oil underground from North Dakota, through South Dakota, Iowa and Illinois (1172 miles or 1886 km). They question the pipeline’s necessity, its potential impact on the environment and water quality, and its threat to sites sacred to Native American peoples. The “content director of mapstory.org, a non-profit foundation” decided to create an accurate map of the complete route, *Thomson Reuters Foundation* reported. He asked authorities in each affected state for the information, “but he was hamstrung by most states’ refusal to provide the digital data he needed,” so he worked with pdf copies of maps, “forcing him to build the pipeline’s pathway on screen as if it were a giant jigsaw, interlocking the pdfs like pieces.” The Trump Administration gave the “final go-ahead” for the pipeline. <http://news.trust.org/item/20170217152016-mlrr1/>

A federal judge ordered the Department of Justice to release “all requests made by U.S. prosecutors in Washington to secretly collect certain data about Americans’ telephone, email and Internet activity from 2011 to 2016,” the *Washington Post* reported. The case was brought by a journalist and joined by the Reporters Committee for Freedom of the Press, a nongovernmental organization. “Prosecutors have agreed in court to release additional information about the five years’ worth of orders in coming months, including any substantive opinions, denials of requests, and data for three more years, dating to 2008, when electronic record-keeping began.” https://www.washingtonpost.com/local/public-safety/us-court-expands-disclosure-of-requests-to-secretly-track-electronic-records/2017/02/23/20ef5a54-f950-11e6-bf01-d47f8cf9b643_story.html?utm_term=.ce956cb0fffc

The National Academies of Sciences, Engineering and Medicine analyzed the initial months of data collected by the Veterans Administration’s “Airborne Hazards and Open Burn Pit Registry.” The Registry was established by Congress to “acquire exposure and health information on service members and veterans who may have been exposed to airborne hazards during deployment—such as smoke from burn pits, oil-well fires, dust storms, or pollution,” all of which have been usual exposures in Iraq, Afghanistan, and other locations in Southwest Asia. The Academies concluded that the Registry, which relies on voluntary information, has “little value as a scientific tool for health-effects research” but is useful as “a means for the eligible population to document their concerns of health problems that may have resulted from their service.” <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=23677>

United States/Guam. Fifteen former altar boys filed lawsuits against the Catholic Archdiocese of Agana, alleging that Catholic priests sexually abused or raped them in the years between the 1950s and the 1980s. The litigants plan to demand access to confidential church records, but a local blogger, who writes on Catholic issues, told *Pacific Daily News* that “files at the archdiocese were destroyed.” <http://www.guampdn.com/story/news/2017/02/05/canon-lawyers-guam-clergy-abuse-trials-could-rip-open-secret-archives/97124516/>

Uruguay. President Tabare Vazquez appointed a former Uruguayan ambassador to the Vatican “to investigate the Catholic Church archives related to the dictatorship” in Uruguay 1973-1985. The Uruguayan Catholic Church last July “approved” the Government request to search for “documents about missing detainees.” <http://www.plenglish.com/index.php?o=rm&id=8746&SEO=uruguay-appoints-delegate-to-probe-into-dictatorship-archives>

Vanuatu. The Right to Information Act became law. <https://pasifik.news/right-information-act-becomes-law-vanuatu/>

Venezuela. The central electoral authority indefinitely postponed elections for state governors. A member of the elections board said the “elections could not take place until political parties renewed their legal registration,” *CrisisWatch* reported. The election board “required 59 of the country’s 62 political parties to re-register by gathering signatures of 5% of voters in at least twelve states within fourteen hours using 390 fingerprint machines” provided by the election board; the parties complained that the conditions were “impossible to fulfill.” For background, see *HRWG News* 2016-06. <https://www.crisisgroup.org/crisiswatch>

Yemen. The Office of the United Nations High Commissioner for Human Rights (OHCHR) said it has “verified the recruitment of 1,476 children, all boys, between 26 March 2015 and 31 January 2017,” mostly

by the Popular Committees affiliated with the Houthi rebel movement. At a press briefing, a spokesman for OHCHR “reminded all parties to the conflict that the recruitment and use of children in armed conflict is strictly forbidden by international human rights law and international humanitarian law, and . . . recruitment of children under fifteen may amount to a war crime.”

<http://www.un.org/apps/news/story.asp?NewsID=56255#.WMIEKt9JdmU>

Publications

The University of Dayton (Ohio, U.S.) Human Rights Center calls for theoretical and applied research proposals on a broad array of topics in human rights for a conference, “The Social Practice of Human Rights: Charting the Frontiers of Research and Advocacy,” to be held November 8–10, 2017. Paper proposals should be submitted by March 17 at go.udayton.edu/hrc.

The *Nordic Journal of Human Rights* invites paper proposals for a special issue on research methods related to business and human rights to be published in 2018. For further information or to send proposals, go to hr-journal@nchr.uio.no; full papers due by August 21.

The World Bank issued its annual *World Development Report*; this year’s topic is “Governance and the Law.” <http://live.worldbank.org/world-development-report-2017>

The Woodrow Wilson International Center for Scholars launched a new “data and research portal for global women’s leadership”: <http://www.50x50movement.org/>. It will host “the most comprehensive collection of data around women’s leadership in political and policy spaces”; the data will be “sex-disaggregated.”

The Business and Human Rights Resource Centre launched the Business and Human Rights Defenders portal, providing “a database of over 400 cases of attacks against activists working on corporate accountability; positive examples of company action on civic freedoms & human rights defenders; tools, resources, reports, case-studies & intl. standards; and in-depth interviews.” <https://www.business-humanrights.org/en/business-human-rights-defenders-portal>

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

To subscribe to the International Council on Archives listserv that distributes this Newsletter, go to ica-l-request@mailman.srv.ualberta.ca

Previous issues of the Newsletter are online at <http://www.ica.org/en/public-resources/hrwg-newsletters>