

ARCHIVES AND HUMAN RIGHTS
News from the Section on Archives and Human Rights
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Commentary.

“Do you know the difference between equality and equity?” the young teacher asked. When no one responded, she flashed on the screen a picture of two children, one taller than the other, trying to see over a solid board fence. “If you give them both equal stools, this happens,” she said, showing the taller one peering over the fence, while the shorter one was still below the top. “That’s equal treatment.” Then she showed an image of the two children, standing on stools of different sizes, both able to peek over the fence. “That’s equity,” she said. In other words, equal does not always compensate for inherent differences.

Equal access to records is an archival mantra—and one of the profession’s most misunderstood phrases. The ICA Principles of Access to Archives clarifies it, saying in Principle 5:

5. Archives are made available on equal and fair terms.

Archivists provide users with just, fair and timely access to archives without discrimination. Many different categories of persons use archives and access rules may differentiate between categories of users (for example, the general public, adoptees seeking information on birth parents, medical researchers seeking statistical information from hospital records, victims of human rights violations), but the rules apply equally to all persons within each category without discrimination. When a closed item is reviewed and access to it is granted to a member of the general public, the item is available to all other members of the public under the same terms and conditions.

This statement is amplified in Principle 8, reading in part:

8. Institutions holding archives ensure that operational constraints do not prevent access to archives. The equal right to access archival records is not simply equal treatment but also includes the equal right to benefit from the archives.

Archivists understand the needs of both existing and potential researchers and use this understanding to develop policies and services that meet those needs and minimize operational constraints on access. In particular, they assist those who are disabled, illiterate or disadvantaged and would otherwise have significant difficulties in using archives. . . .

Users, whether visiting the archival institution or living at a distance from it, can obtain copies of archives in the variety of formats that are within the technical capacity of the archival institution. Institutions may make reasonable charges for copying service on demand. . . .

The COVID-19 pandemic requires archives—like other public service institutions—to rethink the way services are provided. With travel restricted, either by government edict or by personal choice, the numbers of researchers able to visit those research rooms that are open will certainly diminish, at least for the duration of the health crisis. If archival holdings are already digitized, there is no problem. But vast quantities of archives are still in their original formats. What then?

Assuming that at least a few staff members are available to retrieve records, a plausible answer is to scan on demand and provide the records either by posting to a website or by providing direct personal delivery. Limited staff members will necessitate establishing service priorities (many archives already have these, but they may need review in the present circumstances), and here’s where equal access comes in.

*If the archives is within the institution whose records it preserves—for example, the archives of a government, the archives of a corporation—normally service to the parent institution comes first, and that priority is likely to persist during the pandemic.

*Then there is the requester who needs a copy of records to establish rights and benefits; she needs timely access (see below, for example, the U.S. item on the problems a man just released from prison had in trying to get basic documents and the Syrian item on the impact of closure of the civil registry system). This category includes researchers and attorneys working on human rights cases for groups as well as for individuals.

*And we have research by academic users and the general public. Here the travel problem—always a consideration, but usually because of cost not disease—becomes a critical factor. Some researchers want access to a single file while others need access to a plethora of series and fonds. If these researchers are not able to physically come to the archives, telling them, “The reading room is open; come on in,” may be equal treatment but not equitable treatment.

Protocols for handling all these researcher needs, multiplying as the virus wears on, are essential. The COVID conflagration causes us to reflect on the real roots of equal access to archives.

International news.

European Union Court of Justice. In a case that began by an Austrian “privacy activist” complaining to the Irish Data Protection Commissioner about Facebook’s transfer of his data for processing in the United States, the Court ruled that the “Privacy Shield” agreement between the European Union and the United States does not provide people with recourse to an authority that “offers guarantees substantially equivalent to those required by EU law,” reported *The Irish Times*. “The European Commission said it would study the judgment and work closely with U.S. counterparts to update their agreement ‘to ensure the continuity of safe data flows’.” <https://www.irishtimes.com/business/technology/eu-court-rejects-data-transfer-tool-in-max-schrems-case-1.4306011>

Independent International Commission of Inquiry on the Syrian Arab Republic (IICI). In its report covering “events in Idlib and surrounding areas” in the period from November 2019 to June 2020, IICI reported “52 emblematic attacks by all parties which led to civilian casualties and/or damage to civilian infrastructure” including 17 attacks “impacting” medical facilities, 14 attacks harming schools, 9 impacting markets, and 12 on homes. IICI chair Paulo Pinheiro said the attacks “flagrantly violated the laws of war and the rights of Syrian civilians.” IICI also reported that the “terrorist organization HTS [Haya’t Tahrir al-Sham] committed war crimes outside the immediate context of hostilities, while Government forces engaged in unlawful pillaging.” The report is based on 287 interviews, plus “reports, photographs, videos and satellite imagery . . . collected and analysed from multiple sources.” <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26044&LangID=E>

International Criminal Court. The Court directed the Registry “to identify victims who are potentially eligible for reparations” as a result of the conviction of Bosco Ntaganda, *International Justice Monitor* reported. The “first category of victims to be identified are those eligible for reparations in the Thomas Lubanga case who may also be eligible for reparations in the Ntaganda case,” bringing the records of the Lubanga proceeding into the records of the second case. The Registry believes there are at least an additional 1,100 beneficiaries beyond the Lubanga list, while the victims’ lawyer estimates there are “a minimum of 100,000 victims of attacks in all locations affected by Ntaganda’s crimes.” The Registry is to develop application forms to be used in a mapping exercise to register potential beneficiaries. <https://www.ijmonitor.org/2020/07/icc-registry-to-identify-potential-beneficiaries-of-ntaganda-reparations/>

A group of Uighurs in exile petitioned the Court to investigate alleged crimes by China against Uighur people “unlawfully deported from Tajikistan and Cambodia to Xinjiang where they were subjected to imprisonment, torture as well as forced birth control, sterilisations and marriages, among other crimes,” *The Guardian* reported. “A growing body of evidence including witness accounts, satellite imagery and leaked government orders documenting the large-scale detention and control over Uighurs in Xinjiang, has caused condemnation of Beijing’s policies.” Thanks to Antoon De Baets for the reference. <https://www.theguardian.com/world/2020/jul/07/exiled-uighurs-call-on-icc-to-investigate-chinese-genocide-in-xinjiang>

Organization for Security and Cooperation in Europe. “The archives of the OSCE, an international organization addressing security-related concerns, are increasingly becoming a source for those who seek

to prove abuses committed during conflict in Europe,” *AFP* reported. The former head of the archives said the “International Criminal Tribunal for the former Yugoslavia (ICTY) set a precedent by wanting to access our files.” <https://www.military.com/daily-news/2020/07/03/little-known-archives-discreetly-testify-europes-wars.html>

United Nations. In a report to the Human Rights Council, the Special Rapporteur (SR) on extrajudicial, summary or arbitrary executions addressed the “issue of targeted killings through armed drones.” After establishing the proliferation (“at least 102 countries had acquired an active military drone inventory”) and expanded capabilities of drones over the last five years, the SR called for the Secretary General to “set up international inquiries or fact-finding missions to investigate drones’ targeted killings,” the High Commissioner for Human Rights to issue a yearly report on drone strikes and casualties, and states using drones to “robustly investigate allegations of civilians’ harms, including with external sources, and release data and findings.” The annex is a rigorous analysis of the targeted killing of Iran’s General Qassem Soleimani by a U.S. drone strike in Iraq on 3 January 2020; it concluded that the “course of action taken by the U.S. was unlawful.” <https://www.ohchr.org/EN/Issues/Executions/Pages/AnnualReports.aspx>

The UN Office on Drugs and Crime issued the *World Wildlife Crime Report 2020*. It “draws heavily on UNODC’s World WISE database, which contains almost 180,000 seizures from 149 countries and territories” showing that “nearly 6,000 species have been seized between 1999-2019.” The report argued, “When wild animals are poached from their natural habitat, butchered and sold illegally, the potential for transmission of zoonotic diseases [like COVID-19]—those caused by pathogens that spread from animals to humans—is increased.” http://www.unodc.org/unodc/press/releases/2020/July/unodc-world-wildlife-crime-report-2020_-the-covid-19-pandemic-has-shown-that-wildlife-crime-is-a-threat-not-only-to-the-environment-and-biodiversity--but-also-to-human-health.html

The UN Working Group on the issue of human rights and transnational corporations and other business enterprises issued a report, “Connecting the business and human rights and anti-corruption agendas.” In a significant recommendation, it urges businesses to “Consider how addressing corruption risks and business-related human rights abuses with a risk-to-people approach rather than a risk-to-business approach could help drive a corporate integrity culture.” And, perhaps unnecessarily in view of all the work done regularly by nongovernmental organizations (NGOs) in combatting corporate corruption, it recommends that civil society “document and raise cases of corrupt business practices and human rights abuses.” https://www.ohchr.org/Documents/Issues/Business/A_HRC_44_43_AdvanceEditedVersion.pdf

The Human Rights Committee issued General comment No. 37 on the International Covenant on Civil and Political Rights’ Article 21: right of peaceful assembly. Following the High Commissioner’s June report on the global threats to peaceful assembly (see *SAHR News* 2020-06), this is a forceful statement that “the right of peaceful assembly has an intrinsic value.” Among the 102 paragraphs are: “State parties must not . . . block or hinder Internet connectivity in relation to peaceful assemblies” (34), “Any information gathering, whether by public or private entities, including through surveillance or the interception of communications, as well as the way in which data are collected, stored, retained and accessed, must strictly conform to applicable international standards, including on the right to privacy, and may never be aimed at intimidating or harassing participants or would-be participants in assemblies” (61), “All use of force by law enforcement officials should be recorded and reflected promptly in a transparent report” (91), and the use of recording devices by law enforcement may be used “judiciously” and “Participants, as well as journalists and monitors, also have the right to record law enforcement officials” (94). https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11

World/general news.

Business records. Rio Tinto, the mining company, pledged to complete an internal review of its “heritage management processes” in the wake of its destruction of an Aboriginal heritage site in Western Australia. Three professors, writing in *The Conversation*, offered suggestions for a “sound process,” including providing “a confidential avenue for informants to contribute evidence and testimony, at arms length from the company” and accepting that “interview transcripts, field reports and other evidence should be made accessible to the public . . . where they are not deemed confidential or commercial in confidence.” For background on the site destruction, see *SAHR News* 2020-05. <https://theconversation.com/how-rio-tinto-can-ensure-its-aboriginal-heritage-review-is-transparent-and-independent-141192>

In April the NGO Liberty Shared submitted a petition to the U.S. Customs and Border Protection Agency “to exclude palm oil and palm oil products produced wholly or in part by forced labor and child labor by Sime Darby Plantation Berhad (SDP) owned and affiliated companies.” The NGO said it developed information on labor from “interviews with workers and members of civil society; scrutiny of public disclosures, audit reports and sustainability-related initiatives; analysis of public information about corporate governance,” “open source information about relevant supply chains,” and other sources. In July Malaysian-based SDP said it had contacted Liberty Shared for “further details and information” about the allegations and will provide a response “based on statements contained in the petition summary and our internal records relating to the matters raised.” <https://libertyshared.org/>; <https://www.thestar.com.my/business/business-news/2020/07/10/sime-plantation-seeks-details-from-liberty-shares-petition>

“The civil rights auditors Facebook hired to scrutinize its record delivered . . . a long-awaited and scathing indictment of the social media giant’s decisions to prioritize free speech above other values, which they called a ‘tremendous setback’ that opened the door for abuse by politicians,” the *Washington Post* reported. The auditors had “extensive access to its systems and executives, and it encompassed feedback from over 100 civil rights groups.” <https://www.washingtonpost.com/technology/2020/07/08/facebook-civil-rights-audit/>

Global Witness issued a report on the international trade in gold. Relying principally on “field research in Dubai, Sudan and Switzerland” plus “a range of data sets, including gold production and trade data and company records,” the researchers found that “the world’s largest gold refiner, Swiss-based Valcambi, has sourced gold from the highly problematic gold trader and refiner Kaloti” which in turn acquired gold from the Central Bank of Sudan, “a supplier known to source conflict gold” including from “mines occupied by armed groups since 2012, including the notorious Jebel Amer mines in Darfur.” <https://www.globalwitness.org/en/campaigns/conflict-minerals/beneath-shine-tale-two-gold-refiners/>

The NGO Human Rights at Sea issued a report saying “there is an urgent need to better protect both fishing crews and the Fisheries Observers who provide independent oversight of fish catches.” (A fisheries observer is a specialist in international fishing regulations who serves on board commercial fishing vessels or in fish processing plants or similar entities.) Observers spend anywhere from 1 day to 3 months at sea before returning to be “debriefed” by a regional fisheries management body, reviewing any unusual occurrences or observations, violations observed, and any safety problems or other hardships they endured during the trip. These data are then integrated into the regional agency’s database used to monitor fish quotas. The report said, “There is a growing concern about the number of unlawful and/or suspicious Observer deaths at sea” and there is not access by interested third parties and civil society to the Vessel Monitoring System (VMS) data from ships. The NGO recommends both “full and unredacted public disclosure of the facts, findings and outcome” of all cases of human rights violations against Observers and crew members and a “forfeiture of confidentiality with full disclosure of any VMS data associated with any voyage where an Observer disappears or dies at sea.” https://www.humanrightsatsea.org/wp-content/uploads/2020/07/HRAS_Abuse_of_Fisheries_Observers_REPORT_JULY-2020_SP_LOCKED-1.pdf

Two U.K. drivers are demanding to see the huge amounts of data that Uber, the ride-sharing company, “collects on them and how this is used to exert management control, including through automated decision-making that invisibly shapes their jobs,” *The Guardian* reported. The case was brought by the U.K.-based App Drivers and Couriers Union in the district court in Amsterdam, where Uber has its headquarters. “The union said transparency was essential in checking if Uber was exercising discrimination or unequal treatment between drivers. It will also allow drivers to organise and build collective bargaining power over terms of work and pay in a way that is currently impossible.” Thanks to Giulia Barrera for the link. https://www.theguardian.com/technology/2020/jul/20/uber-drivers-to-launch-legal-bid-to-uncover-apps-algorithm?CMP=Share_AndroidApp_E-mail

“Boeing failed to share key information with regulators about flight control software aboard the 737 Max [jet] years before the software was implicated in two crashes that killed 346 people,” the U.S. Transportation Department’s Inspector General said in a report. According to the *New York Times*, “During the certification process, Boeing also significantly updated MCAS” [flight control software], yet failed to provide the Federal Aviation Administration “with documents detailing the changes, leaving agency officials in charge of pilot training in the dark . . . Internal Boeing meeting minutes also show that

the company decided to portray MCAS as a modification to an existing system in part because it could affect the certification process.” <https://www.leafypage.com/u-s-watchdogs-report-faults-boeings-disclosures-on-737-max-software/>

Environment. The Rainforest Alliance, an international certification body for ethical labelling of coffee, tea, cocoa and bananas, said it will “bolster its food certification scheme to ensure growers and brands make better use of technology to tackle climate change, respect human rights and invest in sustainable farming,” *Thomson Reuters Foundation* reported. “Better use of technology and data is a critical part of the new scheme,” the Alliance said. https://news.trust.org/item/20200701124149-bdwud/?utm_campaign=new-climate&utm_medium=newsletter&utm_source=topPicks&utm_content=link6&utm_contentItemId=20200701124149-bdwud

Land and environmental defenders. Global Witness (NGO) reported that since it began documenting murders of land and environmental defenders in 2012, the most murders in a single year occurred in 2019 (212), with half killed in just two countries, Colombia and the Philippines. “On average, four defenders have been killed every week since the creation of the Paris Climate agreement in December 2015,” and this is likely an undercount “as cases often go undocumented.” In a statement of its methodology, Global Witness explained that it develops its database on the killings by using information from “datasets from international and national sources with details of named human rights defenders killed,” setting up “search-engine alerts using keywords,” and checking with “in-country or regional partners” to verify information on cases. <https://www.globalwitness.org/en/press-releases/global-witness-records-the-highest-number-of-land-and-environmental-activists-murdered-in-one-year-with-the-link-to-accelerating-climate-change-of-increasing-concern/>

Slavery. A research team used the genetic database of the 23andMe genealogy company to study American slave origins. Because 23andMe also has genealogical information that its clients provided, the research team had a database of millions of people to compare with information from the database on Slave Voyages. The study, published in the *American Journal of Human Genetics*, shows that “historical and genetic records together tell a more layered and intimate story than either could alone,” the *New York Times* reported. <https://dnyuz.com/2020/07/23/dna-study-from-23andme-traces-violent-history-of-american-slavery/> ; <https://reader.elsevier.com/reader/sd/pii/S0002929720302007?token=2F4AF8D727D150F232CFB97CCF89D420E56E6FAE216EA6AC84320A8DB4211231C4410D8949B7DC2285696102D284AEAE>

Technology. *Motherboard* reported that “hackers are buying decommissioned police body cameras online, and some are finding troves of video evidence after successfully extracting data from the devices.” One hacker said extracting the data was “stupid easy.” He found a range of footage “from traffic stops, responding to calls at retail stores, calls to houses, etc.” https://www.vice.com/en_us/article/8895ek/hackers-are-finding-footage-on-police-body-cams-they-bought-on-ebay?utm_source=Iterable&utm_medium=email&utm_campaign=curated_vice_daily_1345652

“In 2017 the platform Yemeni Archive began compiling a database of videos and photos documenting abuses” during the civil war. An initiative led by Swansea University (U.K.) with the Global Legal Action Network is developing a machine learning system to search the database, *MIT Technology Review* reported, initially looking for instances of use of the U.S.-manufactured cluster munition BLU-63, which is banned in 108 countries including the U.K. The researchers hope to find enough examples to allow them to initiate a court case: “If the partners could prove in a U.K. court that they had indeed been used to commit war crimes, it could be used as part of mounting evidence that the Saudi-led coalition has a track record for violating international law, and make a case for the U.K. to stop selling weapons to Saudi Arabia or to bring criminal charges against individuals involved in the sales.” <https://www.technologyreview.com/2020/06/25/1004466/ai-could-help-human-rights-activists-prove-war-crimes/>

World War II. China published a 20-volume compilation of archival documents on World War II, including items on subjects such as the Japanese invasion of China and the Nanjing massacre. The set includes “documents, agreements, pieces of intelligence, letters and court trial records” dating between 1931 and 1945. http://www.china.org.cn/arts/2020-07/13/content_76266861.htm

Poland announced plans to establish two new institutions, an “Institute of Truth and Reconciliation” and a “Museum of Volyn Victims” in Chelm, reported *112 Ukraine* citing *Radio Lublin*. The Volyn massacre was carried out in German-occupied Poland by the Ukrainian Insurgent Army, with an estimated 40,000 to 60,000 victims killed, mostly women and children. <https://112.international/politics/poland-to-establish-institute-of-truth-and-reconciliation-and-museum-of-volyn-victims-in-chelm-52967.html>

A 93-year-old former SS guard was convicted by a court in Hamburg, Germany, of being “accessory to the murder of 5,232 people” at the Stutthof concentration camp. “About 40 survivors of their descendants were co-plaintiffs in the trial and the majority appeared via a video link,” *The Guardian* reported. <https://www.theguardian.com/world/2020/jul/23/former-concentration-camp-guard-convicted-over-5232-murders>

The Babyn Yar Memorial Centre announced that some “140,000 secret archive materials dating back to Kyiv’s occupation by the Nazis” have been digitized and will appear in the autumn on its “online platform of the Names” and the website of the State Archives of Kyiv region. The Archive’s director said “the documents of German authorities were recovered and collected by archivists after the Nazis left Kyiv. However, the Soviet papers of this period were more difficult to recover, as they were classified for a while. The access to these documents was denied for some time even after Ukraine gained independence in 1991.” <https://112.international/society/140000-secret-archive-materials-of-nazi-occupation-period-released-in-ukraine-53310.html>

Bilateral and multilateral news.

Algeria/France. On July 3, Algeria’s National Day of Memory, France returned to Algeria the skulls of 24 resistance fighters. Calling that a “small but significant advance,” *Observ Algeria* said that Algeria’s major demands of France are the return of “all” similar skulls, compensation for victims of French nuclear tests, and access to the French archives relating to Algeria. The “parties pleading for access” to the archives recognized that some records are classified as defense secrets and called for France’s prime minister to override the secrecy provision. <https://www.observalgerie.com/pourquoi-les-archives-de-la-guerre-dalgerie-restent-inaccessibles/2020/>

A lecturer in history at Mouloud University Mammeri told *Algerie Presse Service* that writing the history of Wilaya II, an important combat region during Algeria’s war of independence from France, is “weighed down” by the lack of access to archives. The majority of histories of the Wilaya are based on testimonies of actors in the war which, despite “their capital importance,” are “insufficient for writing history.” <http://www.aps.dz/regions/107029-l-ecriture-de-l-histoire-de-la-wilaya-iii-historique-plombee-par-l-absence-d-archives>

Argentina/Germany. Luis Esteban Kyburg, a former Argentine naval officer subject to an international arrest warrant for human rights crimes during Argentina’s 1976-1983 dictatorship, was filmed by *Bild* walking down the street in Berlin, *The Guardian* reported. Kyburg told the *Bild* reporter, “I am waiting here. Court in Germany not in Argentina.” <https://www.theguardian.com/world/2020/jul/17/luis-esteban-kyburg-argentina-dictatorship-berlin-germany>

Australia/Indonesia/Timor-Leste. Australia’s administrative appeals tribunal ruled that diplomatic cables and cabinet documents relating to maritime border negotiations between Indonesia and Australia in the 1970s now held in the National Archives will not be released to a researcher because they “could reasonably be expected to cause damage to the security of international relations of the commonwealth,” *The Guardian* reported. The researcher requesting the records thought they would show that “successive Australian governments appeared to deliberately hide the key role its interests in the rich [oil] resource reserves [in the Timor Sea] played in its diplomacy. Australia was the only western nation to recognize Indonesia’s sovereignty over Timor-Leste, and the violent occupation continued until 1999.” The tribunal issued “two sets of reasons [to deny access]—one public and one available only to the National Archives and its legal team.” <https://www.theguardian.com/australia-news/2020/jul/04/timor-leste-court-upholds-australian-government-refusal-to-release-documents-on-indonesias-invasion>

Australia/United Kingdom. The National Archives of Australia released the “Palace letters” in compliance with the High Court ruling in May. The lead attorney on the case said historian Jenny Hocking, who brought the suit, “had the major job of actually finding all the historical detail, which was the basis of us ultimately winning the thing at the High Court,” noting she “travelled to the English National Archives in London on research trips, where she would manually track down obscure records—which later proved key to the case’s success,” reported the *BBC*. *The Canberra Times* interviewed Australia’s national archivist, David Fricker, about the case, who said he is continuing “to go through that judgment and have a look at how that impacts upon the other royal correspondence” the Archives holds. For background see *SAHR News* 2020-05. <https://www.canberratimes.com.au/story/6832059/fricker-proud-of-national-archives-despite-legal-battle/> ; https://www.bbc.com/news/world-australia-53399094?intlink_from_url=https://www.bbc.com/news/world&link_location=live-reporting-story

Balkan wars. The municipal court in Orasje, Bosnia, said it “intends to begin to enforce sentences handed down to 47 people, mainly Serbs, who were convicted of war crimes” by court martials between 1993 and 1995, *BIRN* reported. The trials were “mainly” in absentia and some of those tried said they did not know about the convictions. The verdicts were sent to Bosnia’s justice ministry, from there to the International Criminal Tribunal for the former Yugoslavia, which sent them to Bosnia’s state prosecutor in 2004; after “several years of correspondence” the verdicts were sent to Orasje, which forwarded them to the “basic court” in Modric, which sent them back. Peripatetic records; slow justice. https://balkaninsight.com/2020/07/03/forgotten-1990s-bosnian-court-martial-sentences-to-be-enforced/?utm_source=Balkan+Insight+Newsletters&utm_campaign=0150b44e37-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-0150b44e37-31972526

Serbia’s former chief war crimes prosecutor told *BIRN* that “while probing alleged organ-trafficking by Kosovo Liberation Army fighters, the Serbian authorities gathered evidence about [Kosovo’s] President Hashim Thaci’s alleged role in wartime crimes, which was then passed to Hauge investigators” for use by the Kosovo Specialist Chambers. https://balkaninsight.com/2020/07/14/serbia-provided-war-crimes-evidence-against-kosovo-president/?utm_source=Balkan+Insight+Newsletters&utm_campaign=1f2a85a682-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-1f2a85a682-319725265

The government of the Netherlands appointed an “expert commission” to “prepare a compensation settlement proposal for surviving family members of 350 Bosniak men from Srebrenica who were handed over by the UN’s Dutch Battalion of peacekeepers to the Bosnian Serb Army and later killed,” *BIRN* reported, quoting *NOS*. For background, see *SAHR News* 2019-07. https://balkaninsight.com/2020/07/02/netherlands-to-assess-compensation-for-srebrenica-victims-families/?utm_source=Balkan+Insight+Newsletters&utm_campaign=0150b44e37-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-0150b44e37-319725265

On the 25th anniversary of the Srebrenica massacre, the Open Society Archives in Budapest, the “largest private repository on the former Yugoslavia in the region,” published a list of its “most relevant sources” on the Srebrenica genocide. <http://www.osaarchivum.org/blog/discussion-about-the-1995-srebrenica-genocide-begins-in-the-archives>

Belgium/Burundi/Congo/Rwanda. Parliament created a ten-member “special commission” to “shed light on the independent state of the Congo (1885-1908) and on Belgium’s colonial past in the Congo (1908-1960), Rwanda and Burundi (1919-1962), examine the structural impact that colonization had on these countries, measure its economic impact, then formulate recommendations on how to approach this dark page of history, before arriving to formulate proposals to reconcile peoples and to protect archives,” *justiceinfo.net* reported. <https://www.justiceinfo.net/fr/m%C3%A9moire/44973-passe-colonial-belge-dix-experts-pour-planter-le-decor.html>

Caribbean former colonies/United Kingdom. The Windrush scandal concerns post-World War II immigrants to the U.K., primarily from Caribbean former colonies, who were wrongly detained, denied legal rights, and threatened with deportation despite having lived legally in the U.K. for decades (Windrush was the name of a ship that brought some of the first immigrants). In 2018 the U.K. apologized and in 2019 launched a compensation scheme. Of the 1,391 applications for compensation submitted, only 154 have been paid as of July 2020. A lawyer for the Windrush claimants told *Thomson Reuters Foundation*, “People are waiting an inordinate length of time and the request for more and more information is really problematic,” adding that “many of her elderly clients have been asked to provide additional documentation about circumstances 50 years ago to support their claim.” <https://news.trust.org/item/20200724141254-np6cv/https://news.trust.org/item/20200724141254-np6cv/>

El Salvador/Guatemala/Honduras. HALO Trust (NGO) issued a report on armed violence in the three Central American countries. Based largely on community and individual interviews, the researchers also used published official figures, showing that approximately 1.8 million firearms are registered in the region (73% owned by individuals and private security companies) and between 2013 and 2018 80% of all violent killings in the three countries were committed with a firearm. Illegal firearms are widely available, with a gun costing “as little as \$130 USD on the Guatemalan black market, and a single bullet can cost just \$0.13 USD.” “According to interviewees, it is common at night to see gang members as young as 12 carrying shotguns in some neighborhoods of El Salvador.” <https://www.halotrust.org/media/6927/halo-report-living-with-armed-violence.pdf>

El Salvador/Spain/United States. Kate Doyle of the U.S. National Security Archive (NGO) testified as an expert witness in the trial in Spain of Inocente Orlando Montano, the former Vice Minister of Public Security of El Salvador, who is accused of participation in the murders of six Jesuit priests, their housekeeper and her daughter in November 1989. After authenticating “hundreds of declassified U.S. records that have been submitted in evidence to the Spanish tribunal,” she told the court, “The U.S. documents provide a strong credibility and a clear relevance to clarifying the crimes that were committed.” <https://nsarchive.gwu.edu/briefing-book/human-rights/2020-07-10/justice-jesuits>

France/Rwanda. The French investigative news site *Mediapart* found Aloys Ntiwiragabo, a former chief of army intelligence in Rwanda who is alleged to be one of the architects of the 1994 genocide, living in Orleans, France. France opened an investigation of him for crimes against humanity. The records of the International Criminal Tribunal for Rwanda will be central to the investigation. <https://www.mediapart.fr/journal/international/240720/aloys-ntiwiragabo-pilier-presume-du-genocide-des-tutsis-se-terre-en-france>

A French appeals court confirmed a lower court’s 2018 decision “not to reopen an investigation into the 1994 assassination of Rwanda’s president which sparked a 100-day genocide that killed 800,000 people,” *AFP* wrote. “The victim’s families want the investigation to be reopened so that French investigators can gain access to a secret 2003 report of the International Criminal Tribunal for Rwanda said to blame [current Rwandan president] Kagame’s side for the attack” on the plane carrying the president. Kagame told *Jeune Afrique*, “Reopening a classified file is to invite problems.” <https://news.yahoo.com/french-court-rejects-fresh-probe-plane-downing-sparked-103141047.html>

Haiti/United States. In June the U.S. deported Haitian paramilitary leader Emmanuel “Toto” Constant to be imprisoned in Haiti for his role in the Raboteau massacre. In July Haiti’s chief prosecutor said “he doesn’t have any documentation about Constant’s alleged crimes or his 2000 murder conviction in absentia for the 1994 Raboteau massacre. Without any files he may be left with no choice but to free Constant,” reported the *Miami Herald*. Human rights groups responded by supplying the prosecutor “with several documents, including copies of the judgment against Constant and the November 23, 2000, *Monitor* (the country’s official gazette) where it was published.” <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article244297682.html>

Iraq/Islamic State/United States. George Washington University (U.S.) announced the launch of a website with scans of the ISIS files that were collected by a *New York Times* journalist in Iraq in 2015. The collection was controversial; see *HRWG News* 2018-09, 10. <https://taskandpurpose.com/news/isis-files>

Iraq/United States. D-Squared Media announced the release of “Saving the Iraqi Jewish Archives: A Journey of Identity,” which it describes as an “advocacy documentary about the survival of the Iraqi Jewish Archives, over 20,000 documents and personal artifacts rescued in 2004 by U.S. soldiers from the basement of Saddam Hussein’s secret police headquarters in Baghdad.” The film argues “sending the archives back to Iraq would be disastrous.” For background, see *HRWG News* 2018-01, 07. For more on the Iraqi records in the U.S., see two blog posts of the Woodrow Wilson International Center for Scholars and a commentary published by *War on the Rocks*. <https://apnews.com/bf6f235cf2acecf7ad29d6c18a09fa>
<https://www.wilsoncenter.org/blog-post/recording-conflict-crrc-and-bath-party-archives?emci=dddc3ed8-02e6-ea11-9b05-00155d03bda0&emdi=bcfc88ef-d7c6-ea11-9b05-00155d03bda0&ceid=29308>; <https://www.wilsoncenter.org/blog-post/bath-party-records-accessing-and-utilizing-former-iraqi-governments-papers>; <https://warontherocks.com/2020/07/setting-the-records-straight-in-iraq/>

Japan/United States. The Hiroshima District Court said 84 plaintiffs who “were outside of a zone previously set by the government as where radioactive rain fell” after the 1945 U.S. atomic bombing attack on the city were indeed exposed to “black rain” and ordered “the city and the prefecture to provide the same government medical benefits as given to other survivors,” *AP* reported. “The court said the plaintiffs’ argument about their black rain exposure was reasonable and that their medical records showed they have health problems linked to radiation exposure.” https://apnews.com/0aa137ebf4f32c00ddfabe1b9904ef15?utm_source=STAT+Newsletters&utm_campaign=1844327832-MR_COPY_01&utm_medium=email&utm_term=0_8cab1d7961-1844327832-149736437

Latvia/Russia. A body of Soviet-era KGB documents was found in a house in Riga, Latvia, that was undergoing renovation, *indo&ny* reported. The house was lived in by a KGB employee; the documents “come from the KGB Department for ideological counterintelligence.” The documents were transferred

to the Latvian National Archives. <https://www.indonewyork.com/politics/Spectacular-historical-Fund-KGB-files-discovered-during-house-renovation-in-Latvia--h17356.html>

Lebanon/Syria. Burying a Syrian refugee who dies in Lebanon is complicated. First there is the registration process for death: “issuance of the death notification by a doctor, issuance of the death certificate by the local authority (Mukhtar), registering the death certificate at the Noufous department and the Foreigners’ Registry and stamping the death certificate at the Ministry of Foreign Affairs and the Syrian Embassy”! According to a Norwegian Refugee Council survey, “only 3% of the respondents reached the last step and obtained a death certificate” which is “important for refugees regarding inheritance, also related to housing, land and property rights back in Syria, custody of the children or ability to remarry,” reported *Syria Direct*. A death certificate is mandatory to legally bury someone in Lebanon; without it relatives struggle to find a way to bury their dead. https://syriadirect.org/news/lebanon-no-country-to-bury-syrian-refugees/?utm_source=SJAC+Weekly+Update&utm_campaign=283207d39d-EMAIL_CAMPAIGN_2019_01_10_02_56_COPY_01&utm_medium=email&utm_term=0_0a7405c641-283207d39d-90540617

Mideast war. The Syrian Network for Human Rights publishes a monthly report on deaths in Syria. The July report, in addition to the sad statistics (at least 1,006 civilian deaths), pointed out that “the Syrian regime bears the primary responsibility for the deaths of Syrian citizens due to the COVID19 pandemic, noting that the Syrian regime and its Russian ally have repeatedly been documented as having targeted, bombed and destroyed most medical facilities in Syria, and killed hundreds of medical personnel, according to the SNHR’s dataset, with dozens of these lifesaving medics being still classified as forcibly disappeared at the regime’s hands, noting that nearly 3,327 medical personnel are still detained or forcibly disappeared by the Syrian regime.” <http://sn4hr.org/blog/2020/07/01/55146/>

The Syrian Justice and Accountability Centre (SJAC) issued a statement saying “one year after banning the practice, the SDF [Syrian Democratic Forces] is still recruiting children.” SJAC “collected information of names and ages of children kidnapped and recruited by SDF, finding that children as young as 12 years old were killed in combat, their deaths recorded [as occurring] before the signing” of the 2019 Action Plan that said “no one under 18 would be eligible for service.” https://syriaaccountability.org/updates/2020/07/23/one-year-after-banning-the-practice-the-sdf-is-still-recruiting-children/?utm_source=SJAC+Weekly+Update&utm_campaign=283207d39d-EMAIL_CAMPAIGN_2019_01_10_02_56_COPY_01&utm_medium=email&utm_term=0_0a7405c641-283207d39d-90540617

The Kurdish Committee for Human Rights-observer and the Syrians for Truth and Justice issued a report on the transfer of “dozens of Syrian detainees into Turkey” since October 2019. They estimated that 170 to 180 Syrians—Kurds and Arabs, fighters and civilians--were transferred to prisons in the Turkish state of Urfa. The NGOs “managed to obtain hundreds of documents (in Turkish), one of which lists the names of more than 70 detainees and others contain information including the charges against them, dates of detentions, those who made them.”

https://stj-sy.org/en/illegal-transfer-of-dozens-of-syrian-detainees-into-turkey-following-operation-peace-spring/?utm_source=SJAC+Weekly+Update&utm_campaign=24b577a7d7-

[EMAIL_CAMPAIGN_2019_01_10_02_56_COPY_01&utm_medium=email&utm_term=0_0a7405c641-24b577a7d7-90540617](https://stj-sy.org/en/illegal-transfer-of-dozens-of-syrian-detainees-into-turkey-following-operation-peace-spring/?utm_source=SJAC+Weekly+Update&utm_campaign=24b577a7d7-EMAIL_CAMPAIGN_2019_01_10_02_56_COPY_01&utm_medium=email&utm_term=0_0a7405c641-24b577a7d7-90540617)

Saudi Arabia/Turkey. Turkey opened a trial of 20 Saudi citizens (in absentia) for the death of Saudi journalist Jamal Khashoggi, who was killed in the Saudi consulate in Istanbul on 2 October 2018. “On issuing the indictment in March,” reported the *New York Times*, “the Istanbul prosecutor said in a statement that it was based on evidence from cellphone location records of the accused, records of their entry and exit from Turkey, and their presence at the consulate. Evidence was also drawn from searches of their hotel rooms, the consulate and the consul’s residence; from Mr. Khashoggi’s cellphone, laptop and iPad; and from witness statements.” For background, see *SAHR News* 2020-04. <https://centralnewsnow.com/trial-of-20-saudis-in-jamal-khashoggi-killing-opens-in-turkey/>

National news.

Australia. Victoria state announced it will set up a truth and justice process to “formally recognize historical wrongs and ongoing injustices” against Aboriginal people, *The Guardian* reported. <https://amp.theguardian.com/cdn.ampproject.org/c/s/amp.theguardian.com/australia-news/2020/jul/11/victoria-to-set-up-australias-first-truth-telling-commission-led-by-first-peoples-assembly>

China. Lookout, a “mobile security firm,” said it “found links between eight types of malicious software . . . that show how groups connected to China’s government hacked into Android phones used by Xinjiang’s largely Muslim population on a scale far larger than had been realized,” the *New York Times* reported. Calling it “an early cornerstone in China’s Uighur surveillance efforts,” the tools “hid in special keyboards used by Uighurs and disguised themselves as commonly used apps in third-party websites. Some could remotely turn on a phone’s microphone, record calls or export photos, phone locations and conversation on chat apps. Others were embedded in apps that hosted Uighur-language news, Uighur-targeted beauty tips, religious texts like the Quran and details of the latest Muslim cleric arrests.” <https://unpo.org/article/21960>

China./Hong Kong. Google, Facebook Inc., and Twitter Inc. “are among tech companies that have suspended processing requests for user data from Hong Kong law-enforcement agencies following China’s imposition of a national-security law on the city,” the *Wall Street Journal* reported. “Facebook in the last six months of 2019 received 241 government requests for data on users in Hong Kong, according to a company report. It produced data for 46% of the requests.” https://www.wsj.com/articles/whatsapp-to-suspend-processing-law-enforcement-requests-for-user-data-in-hong-kong-11594034580?mod=djemalertNEWS&utm_source=Iterable&utm_medium=email&utm_campaign=curated_vice_daily_1339227

The offices of the pro-democracy group Public Opinion Research Institute were raided “after it published a poll showing that over 60% of [Hong Kong] residents no longer believe Hong Kong is a free city,” *VICE News* reported. “A live stream of the incident showed police officers entering the offices with a warrant and . . . searching the office and seizing computers.” The Institute was charged with “dishonest use of a computer,” which carries a maximum sentence of five years in prison. https://www.vice.com/en_us/article/z3eyvj/police-raids-against-free-speech-in-hong-kong-have-already-begun?utm_source=Iterable&utm_medium=email&utm_campaign=curated_vice_daily_1351831

The *New York Times* reported, “A museum that commemorates the 1989 Tiananmen Square massacre is rushing to digitize its archives, afraid its artifacts could be seized.” <https://chinadigitaltimes.net/2020/07/first-arrests-made-under-national-security-law-as-hong-kong-protesters-defy-government-ban/>

Colombia. In the first half of the year, the number of deaths due to political violence increased by 55% compared to the same period in 2019, from 60 to 93, reported the NGO CERAC, which monitors political violence in the country. <https://www.blog.cerac.org.co/monitor-de-violencia-politica-en-colombia-13>

Human Rights Watch (HRW) found that armed groups are imposing rules to prevent the spread of COVID-19 in at least 11 of Colombia’s 32 states. HRW conducted interviews and reviewed 20 pamphlets and WhatsApp messages from armed groups that impose “curfews, lockdowns, and restrictions on movement for people and on opening days and hours for shops.” It documented nine killings in three states connected to the measures, eight for violating restrictions and one apparently for opposing the measures. <https://www.hrw.org/news/2020/07/15/colombia-armed-groups-brutal-covid-19-measures>

Croatia. Croatia’s NGO Documenta, with Germany’s Friedrich Ebert Stiftung, issued an historical guide to the Goli Otok (Barren Island) internment camp for political prisoners that operated from 1949 to 1956. According to the research, 13,000 people went through the prison, of whom 287 died there. https://balkaninsight.com/2020/07/09/guide-to-yugoslav-barren-island-prison-camp-published-in-croatia/?utm_source=Balkan+Insight+Newsletters&utm_campaign=1a6e79afcb-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-1a6e79afcb-319725265

France. In an opinion piece published in *L’Histoire*, two historians argued that the records of the police should be transferred from the custody of the police, where they now remain, to the National Archives. They note, “To our knowledge, no archivist has ever been able to make an exact inventory of all the cellars of the Prefecture of Police, in which documents are said to be still in abundance, notably concerning the period of the Occupation.” <http://www.lhistoire.fr/que-faire-des-archives-de-la-pr%C3%A9fecture-de-police-de-paris%C2%A0>

Germany. The Constitutional Court ruled that several regulations allowing Federal police and intelligence officials to access personal data (called “inventory data”) from internet and mobile phone uses were unconstitutional, *DW* reported. “In a press release on its website, the court said that current law violates users’ ‘fundamental rights to informational self-determination and to the protection of telecommunications secrecy’.” <https://www.dw.com/en/germany-police-personal-data/a-54209653>

Guatemala. *AP* reported that Guatemala is burying unidentified persons who died of COVID-19 “and one hospital is creating archives in hopes that once the pandemic passes, their relatives will come looking for them.” The hospital is taking photographs of the bodies and on the death certificate estimating an age and recording the gender; another hospital is using body bags with transparent windows over the faces in case a relative arrives. “No hospitals appear to be taking advantage of a national identity database that contains the fingerprints of anyone with a national identity card. A registry spokeswoman said a search of the National Register of Persons would only be possible with an order from a judge, prosecutors or forensic medicine officials.” <https://apnews.com/8d86777c590162c2dba6ec650707fa1b?emci=668163b3-16d2-ea11-9b05-00155d03bda0&emdi=8daac164-60d2-ea11-9b05-00155d03bda0&ceid=4606001>

Marking 15 years since the discovery of the police archives, historian Kirsten Weld published an article in *Boston Review* on the archives’ dramatic history, from serving as an aid to prosecutors of violent crimes committed during the country’s civil war to its current moribund status. She concludes, “Guatemala conclusively demonstrates that archival access and management are fundamentally political.” <http://bostonreview.net/global-justice/kirsten-weld-no-democracy-without-archives>

Ireland. Ireland does not have an official state register for wills, even though only after a will “has been located and steps taken to enforce it that the Probate Office becomes involved,” explained the *Independent*. Into the void has stepped a team of a businessman and a law firm, who have set up the “Irish Will Register” to “record the existence of a person’s will, give their name and address, date of birth and details of the solicitors’ firm, financial institution or trustee that holds the original will.” People can register online; the Register will not hold the will or any other confidential documents. <https://www.independent.ie/irish-news/news/register-launched-to-help-families-track-down-wills-39341042.html>

Israel. A private archives established in 2018, the “Archi-Parchi: The civic archive of social struggles in Israel,” collects materials from disadvantaged communities, with an initial focus on public housing, feminist and queer struggles. Sapir Sluzker-Amran, the founder, explained to *+972* magazine, “There aren’t really many alternative archives in the country” and before Archi-Parchi was established there wasn’t one “that is officially trying to collect materials and unspoken histories of social and political struggles in Israel.” She believes that using the collected materials “helps us as activists . . . learn how we can better deal with current issues like police brutality. We want people to use them for activism.” <https://www.972mag.com/civic-archive-sapir-sluzker-amran/>

Mexico. The Attorney General’s office announced it had “identified the remains of a second of the 43 students who disappeared in September 2014,” *AP* reported. The bone fragment was found in Cocula; last December the *AP* reported that “investigators were led to the site by geospatial data and tips from informants.” For background on this long, sad case, see *SAHR News* 2020-05. <https://apnews.com/dcbc3849126bb50c2f9ac58d4d66a5d9>

The National Migration Institute (INM) in January said it had “supported 601 trafficking and smuggling victims between December 2018 and November 2019,” but information released to *Thomson Reuters Foundation* showed just 116 migrants had been smuggled and 51 trafficked. INM said there was “imprecision” with the January data. The government’s National Human Rights Commission “said there may be between 50,000 and 500,000 trafficking victims in Mexico—from sexual exploitation to forced labor—but academics say the real number is hard to pin down with concrete data lacking.” https://news.trust.org/item/20200708134656-mbhp2/?utm_campaign=trafficking&utm_medium=newsletter&utm_source=leadItem&utm_content=link1&utm_contentItemId=20200708134656-mbhp2

“More than 73,000 people are missing,” the Interior Ministry said. “11,500 more than in a previous total,” *Thomson Reuters Foundation* noted. “A quarter of the missing are female, and the tally includes more than 12,000 children.” The government said “more than 6,600 bodies have been dug up from illegal hidden graves since December 2006.” <https://news.trust.org/item/20200713205519-b8lc8/>

Completing the dismal picture, the National Network of Shelters, Mexico’s largest network of shelters for victims of violence, said the “number of women and children seeking help at shelters for victims of violence has surged by more than 80% in Mexico under the coronavirus lockdown” and “the number of

calls and texts it had received about family or gender-based violence had risen by 55% between March and June compared to a year ago,” *Thomson Reuters Foundation* reported. <https://news.trust.org/item/20200724082703-cpgxn/>

Nicaragua. The Nicaragua Never Again Human Rights Collective issued a report documenting eight cases of torture, cruel, inhuman and degrading treatment in 2019 “both in official and clandestine prisons.” Endorsing the report, an Amnesty International officer said, “Torture in Nicaragua has been aimed at fabricating testimonial evidence that incriminate certain people,” *Confidential* reported. https://confidencial.com.ni/amnesty-int-confirms-torture-used-in-nicaragua-to-fabricate-accusations/?utm_source=DB+El+Faro+English&utm_campaign=49d2994e19-EMAIL_CAMPAIGN_2020_04_22_01_08_COPY_03&utm_medium=email&utm_term=0_3ec9190c89-49d2994e19-363082696

Peru. The National Ombudsman’s office reported 915 girls and women are “missing and feared dead in Peru since COVID-19 confinement began,” *AFP* reported. The actual number is unknown “because the lack of a national missing persons registry made it hard for authorities to keep track of the crisis.” <https://www.france24.com/en/20200727-peru-says-over-900-girls-women-feared-dead-since-pandemic-began?emci=e8f229c5-cdd0-ea11-9b05-00155d03bda0&emdi=66000a07-cfd0-ea11-9b05-00155d03bda0&ceid=4606001>

Qatar. The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance issued the report on her late 2019 visit. She praised the country’s positive reforms but said “immense power imbalances” persist between employers and the migrant workers who make up 71% of the national population. She recommended the government “collect data and compile statistics, disaggregated by ethnic group and nationality, and establish socioeconomic indicators, on the enjoyment of economic, social and cultural rights in conformity with international human rights standards. Such data are needed not only to adequately assess the situation of all groups and to make inequalities visible, but also to design, monitor and evaluate evidence-based measures that specifically target disadvantaged groups.” <https://www.business-humanrights.org/sites/default/files/documents/Qatar%20SR%20contemporary%20forms%20of%20racism%20April%202020.pdf> ; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25382&LangID=E>

Russia. On 22 July a court in Petrozavodsk sentenced Yuri Dmitriyev, a historian and researcher of the Stalin-era gulag, to 3 ½ years in prison “on a child sexual-abuse charge he and his supporters say was trumped up to silence him,” *RFE/RL* reported. The article includes excerpts from Dmitriyev’s closing statement at the trial that was obtained by *Meduza*. For background see *SAHR News* 2020-05. https://www.eurasiareview.com/23072020-russia-gulag-historians-conviction-denounced-as-escalation-of-war-with-its-past-analysis/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Serbia. The Finance Ministry’s Administration for the Prevention of Money Laundering “sought access to bank data dating from January 1, 2019, for 20 individuals and 37 NGOs, including a number of investigative media outlets and high-profile human rights organizations,” *BIRN* reported, noting that it was on the list. Among the rights groups are the Helsinki Committee for Human Rights and the Humanitarian Law Centre (the latter, like *BIRN*, often cited in *SAHR News*). https://balkaninsight.com/2020/07/28/serbian-authorities-seek-bank-data-of-rights-groups-investigative-media/?utm_source=Balkan+Insight+Newsletters&utm_campaign=9b2be9b8ca-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-9b2be9b8ca-319725265

Syria. The Syrian Network for Human Rights (SNHR) issued an important report on violations against Palestinian refugees in Syria by Syrian regime forces between March 2001 and July 2020. According to the database SNHR maintains (described in an annex to the report), at least 3,196 Palestinian refugees have been subjects of extrajudicial killing, 2,663 are still detained or forcibly disappeared, 491 died due to torture, and of the 900 deceased so far identified in the leaked “Caesar” photographs 49 were Palestinian refugees. Sadly, only 47 Palestinian families of forcibly disappeared persons have received certification of their deaths from Syria’s Civil Registry. Al Yarmouk camp is the largest Palestinian camp in Syria, and “according to the analysis of the photos and videos that SNHR has obtained of the camp covering a period of nine years, in addition to satellite images we have obtained, SNHR’s estimates indicates that the damage to 80% of the camp buildings ranges between almost complete and partial destruction.” Among the hard-hitting recommendations is that the High Commissioner for Human Rights should “assist in the building of a central housing and real estate database in Syria, with the aim of achieving reparations, implementing voluntary repatriation programs, and ensuring restitution of housing, land and real estate .

. ensuring that these include the housing and property of Palestinian refugees in Syria.”
<http://sn4hr.org/blog/2020/07/29/55316/>

The New Humanitarian published the first of 3 articles on how missing paperwork impacts millions of Syrians. “For years, UN assessments have found that the majority of Syrians in the country lack various types of civil documentation,” essential “tools to function anywhere.” “Before the start of Syria’s war in 2011, al-Assad’s government operated civil registry offices all over the country, collecting millions of files in paper dossiers across decentralized regional archives. While a UN-backed project to digitize Syria’s records began before the war, it remains incomplete, and fighting has led to the closure or destruction of many state registry offices and archives in areas that are or were outside government control . . . Although the civil registry system still operates in government-held areas” it is difficult for Syrians to access it. https://www.thenewhumanitarian.org/analysis/2020/07/30/syria-civil-documentation-crisis-rights?utm_source=The+New+Humanitarian&utm_campaign=b11c3663fb-EMAIL_CAMPAIGN_2020_07_31_Weekly&utm_medium=email&utm_term=0_d842d98289-b11c3663fb-75545741

Tunisia. After the Truth and Dignity Commission report was published, *justiceinfo.net* interviewed the head of the ministry in charge of human rights and relations with constitutional bodies and civil society. He said the government is creating a commission to “decide how to design the government’s plan based on the recommendations in the report” and has created a commission to determine who will get compensation from the “Dignity Fund.” <https://www.justiceinfo.net/fr/commissions-verite/44953-ayachi-hammami-mauvaise-gestion-temps-justice-transitionnelle-tunisie.html>

United Kingdom. In a report on slavery in the U.K., two NGOs said official National Referral Mechanism statistics show that since “NRM records began in 2009, the number of potential victims identified and referred for support has been growing year on year with a total of 10,627 potential victims identified in 2019, a 52% increase from 2018.” The NGOs believe this data is inaccurate, writing, “frontline workers . . . are hindered by the foggy national picture and the lack of reliable data.” They found that National Data Analytic Solutions, a partnership of nine law enforcement agencies, used crime and intelligence reports from the West Midlands Police to identify cases likely to involve modern slavery; by extrapolating to the nation, “the number of potential victims of modern slavery associated with police data nationwide is 99,469.” <https://www.justiceandcare.org/wp-content/uploads/2020/07/Justice-and-Care-Centre-for-Social-Justice-It-Still-Happens-Here.pdf>

The National Police Chiefs Council ended the practice of searching the phones—for text messages, images and calls—of persons reporting rapes. Now searches of “digital devices should be requested only in cases where it helped police follow reasonable lines of enquiry.” <https://news.trust.org/item/20200716144136-cptod/>

United States. Doug Wilder, the country’s first Black governor when he was elected in Virginia in 1989, left his gubernatorial papers with the Library of Virginia when his term ended four years later. The Library has not fully processed or made then available for research, while the records of three of his successors, all white men, have been released. “Why isn’t it racism?” Wilder asked the *Richmond Times Dispatch*. The State Librarian apologized and said processing the Wilder materials will be a “top priority.” https://www.richmond.com/news/virginia/doug-wilder-accuses-library-of-virginia-of-racism-in-handling-of-his-gubernatorial-papers/article_1b0784c7-4e79-568d-8ead-e10d01069f64.html

The Supreme Court upheld the provisions of an 1833 treaty between the U.S. government and the Creek Nation, ruling that Oklahoma’s “prosecutions of American Indians for crimes on the tribe’s reservation violated federal law and the Creek Nation’s treaty rights,” reported a scholar writing in *The Conversation*. Under an 1885 law, only federal courts –not state courts—“have the authority to try American Indians accused of committing serious crimes on Indian reservations.” Tribal courts can also handle the cases. https://theconversation.com/supreme-court-upholds-american-indian-treaty-promises-orders-oklahoma-to-follow-federal-law-142459?utm_medium=email&utm_campaign=Latest%20from%20The%20Conversation%20for%20July%2010%202020%20-%201674516142&utm_content=Latest%20from%20The%20Conversation%20for%20July%2010%202020%20-%201674516142+Version+A+CID_dab2c414580b4431f7251b5563418c21&utm_source=campaign_monitor_us&utm_term=Supreme%20Court%20upholds%20American%20Indian%20treaty%20promises%20orders%20to%20follow%20federal%20law

In 2018 the Department of Interior decided that the Mashpee Wampanoag Tribe did not prove it was “under federal jurisdiction” in 1934 “and therefore did not meet the first definition of ‘Indian’ under the IRA [Indian Reorganization Act] making the . . . Tribe ineligible to acquire land in trust,” the National Congress of American Indians wrote. In March 2020 the Department ordered the Tribe’s homeland taken

“out of trust,” essentially disestablishing its reservation. The U.S. District Court called Interior’s decision “arbitrary, capricious, an abuse of discretion and contrary to law” and ordered Interior to conduct a thorough reconsideration and re-evaluation of evidence. The U.S. House of Representative passed an amendment barring Interior, which has appealed the ruling, from revoking the Tribe’s right to the land. Records of the tribe and its relations with the U.S. government are key resources in the case. <http://www.ncai.org/news/articles/2020/06/06/mashpee-wampanoag-tribe-and-native-organizations-encouraged-by-recent-decision-in-mashpee-v-bernhardt-and-now-call-on-doi-for-recommitment-to-tribal-sovereignty>; <https://www.masslive.com/news/2020/07/mashpee-wampanoag-tribe-gets-backing-from-house-bill-protecting-reservation-from-trump-administration-decision.html>

The Electronic Frontier Foundation and the University of Nevada’s journalism school produced an “Atlas of Surveillance” showing surveillance devices covering counties across the country. Students developing the map used information from an “online repository of government contracts” to see which jurisdictions purchased what kind of equipment and added information from “gunshot detection and predictive policing systems,” “video analytics” (technology that identifies and tracks objects and patterns but not faces), public records and news articles from local media. <https://atlasofsurveillance.org/>

The Police Data Accessibility Project, a “grassroots effort” of more than 2000 members of a Slack group and 6000 members of a Reddit group rDataPolice, aims to “aggregate *all* public police records nationwide into one easily searchable database” by “scraping” and importing data from the many existing public portals, *WIRED* reported. https://www.wired.com/story/police-accountability-data-project-open-source-reddit/?bxiid=5c48efcf2ddf9c4807adf975&cndid=53684912&esrc=sign-up-page&source=EDT_WIR_NEWSLETTER_0_DAILY_ZZ&utm_brand=wired&utm_campaign=aud-dev&utm_mailing=WIR_Daily_070820&utm_medium=email&utm_source=nl&utm_term=list1_p3

Prisoners released during the COVID-19 pandemic are facing difficulties in getting documents such as state identifications or driver’s licenses because government offices are closed. An *Intercept* article tells the story of a man caught in the “frozen world.” The director of community engagement at the NGO Parole Preparation Project said “one or two out of every five incarcerated people he has worked with in New York leave prison without either a Social Security card or a birth certificate,” necessary to apply for jobs or open bank accounts. https://theintercept.com/2020/07/05/coronavirus-parole-prison/?utm_medium=email&utm_source=The%20Intercept%20Newsletter

The Intercept used interviews, public records requests and company documents to identify the role that the “artificial intelligence startup Dataminr” (an “official partner of Twitter”) played in helping law enforcement “digitally monitor the protests that swept the country following the killing of George Floyd, tipping off police to social media posts with the latest whereabouts and actions of demonstrators.” “A protest schedule seen by *The Intercept* shows Dataminr was explicitly surveilling dozens of protests big and small, from Detroit and Brooklyn to York, Pennsylvania, and Hampton Roads, Virginia.” https://theintercept.com/2020/07/09/twitter-dataminr-police-spy-surveillance-black-lives-matter-protests/?utm_medium=email&utm_source=The%20Intercept%20Newsletter

The New York Times reported on the problems of data management in the nation’s health care system: “a reporting system in which some test results arrive via smooth data feeds but others come by phone, email, physical mail or fax, a technology retained because it complies with digital privacy standards for health information. These reports often come in duplicate, go to the wrong health department, or are missing crucial information such as a patient’s phone number or address.” <https://www.nytimes.com/2020/07/13/upsshot/coronavirus-response-fax-machines.html>

The city of Asheville, North Carolina, formally “apologized to its Black residents for the city’s role in slavery, discriminatory housing practices, and other racist policies throughout its history,” reported *ABC News*. It established a Community Reparations Commission to issue detailed recommendations for reparations “in the form of investments . . . such as increasing minority home ownership” and similar actions. And the mayor of Providence, Rhode Island, signed an executive order to “examine the history of slavery and genocide of Native Americans and go through a ‘reconciliation’ process with its Black and indigenous residents” and explore a reparations process. <https://abcnews.go.com/US/city-council-asheville-north-carolina-unanimously-approves-reparation/story?id=71795059>

United States/New York. In the wake of the Black Lives Matter demonstrations, the state legislature repealed a law that said police disciplinary records could only be released with the officer’s permission

or by court order. *ProPublica* then asked the Civilian Complaint Board for “a list of officers, along with the complaints against them, and what discipline, if any had been recommended.” Obtaining the information, *ProPublica* released in a searchable database all “complaints against officers who’ve had at least one substantiated allegation.” Most allegations were not substantiated: only 73 of the almost 3,000 filed in 2018. https://www.newyorker.com/news/our-local-correspondents/how-a-coalition-of-new-york-activists-revealed-police-department-secrets?utm_source=nl&utm_brand=tny&utm_mailing=TNY_Daily_071720&utm_campaign=aud-dev&utm_medium=email&bxid=5c48efcf2ddf9c4807adf975&cndid=53684912&hasha=8fcd7efd9e9d6389b9f914ad34a5948d&hashb=be86af3880f5d49a71f804266e79b70bb4fa408d&hashc=f553fa26cd5d27697a335ab74e22a11c9b48c47784712d14145ae3c0ed4aad10&esrc=bounceX&utm_term=TNY_Daily; https://www.propublica.org/article/nypd-civilian-complaint-review-board-editors-note?utm_source=digg&utm_source=iterable&utm_medium=email&utm_campaign=curated_vice_daily_1392300

United States/Wisconsin. As state courts turned to Zoom to conduct business and the public was able to watch the proceedings live on YouTube, Judge Randy Koschnick, the director of state courts, told courts “to delete YouTube recordings of court proceedings after their completion,” reported *Fox6*. He said he did not “consider the YouTube videos ‘part of the of the record retention rules’ because they are not the ‘official record’ of the court proceedings.” An attorney specializing in open records cases said “keeping the YouTube videos of court proceedings could help protect against the judges’ concerns about video manipulation because there would be an official video record of what actually happened.” He said he worried that, following the court, other government agencies would also erase video records. <https://fox6now.com/2020/07/08/wisconsin-judges-are-deleting-videos-of-what-happens-in-their-courtrooms-whats-going-on-here/>

Venezuela. The High Commissioner for Human Rights issued two reports on Venezuela: “Outcomes of the investigation into allegations of possible human right violations of the human rights to life, liberty and physical and moral integrity in the Bolivarian Republic of Venezuela” and “Independence of the justice system and access to justice in the Bolivarian Republic of Venezuela, including for violations of economic and social rights, and the situation of human rights in the Arco Minero del Orinoco [AMO] region.” Among the recommendations in the first is “Publish the national annual budget and expenditure reports, guarantee access to key data to assess the realization of rights and re-establish the oversight role of the National Assembly on use of public funds,” and in the second “Publish a comprehensive report on the investigations and criminal proceeding of deaths that occurred in the context of protests in 2014, 2017 and 2019” (the Attorney General’s office said it “registered 958 cases of human rights violations related to the protests”) and “Undertake and publish key information related to AMO, such as environmental and social impact studies, violence and homicide rates and socio-economic data of the population living within AMO and its surroundings, including indicators related to economic and social rights.” www.ohchr.org/.../Documents/A_HRC_44_20_AUV.docx; https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session44/Documents/A_HRC_44_54.pdf

Zimbabwe. “Financial records at Police General Headquarters . . . were reportedly loaded into a Nissan UD truck on the instruction of the police bosses and destroyed by fire at Chikurubi Camp during Operation Restore Legacy in 2017, allegedly to cover up corrupt procurement and other illicit payments,” *The Herald* reported. Other records were apparently “tempered with” and falsified items inserted. <https://www.herald.co.zw/zrp-financial-records-destroyed/>

Publications. International Committee of the Red Cross: Call for comments on draft “Minimum Dataset for the Search for Missing Migrants”; comments must be submitted by 30 November: <https://www.icrc.org/en/document/draft-minimum-standard-dataset-search-missing-migrants>

United Nations Food and Agriculture Organization: *State of Food Security and Nutrition in the World 2020*: <http://www.fao.org/publications/sofi/2020/en/>

Swisspeace: “Final report, International Expert Working Meeting: Coordinating the Search and Criminal Investigations concerning Disappeared Persons” and “Family Associations of Disappeared and Missing Persons: Lessons from Latin America and Beyond”: https://www.swisspeace.ch/assets/publications/downloads/Reports/b966e003cc/Report_ExpertWorkingMeeting_CoordinatingSearchCriminalInvestigationsConcerningDisappearedPersons.pdf; <https://www.swisspeace.ch/publications/essentials/family-associations-of-disappeared-and-missing-persons-lessons-from-latin-america-and-beyond>

World Bank Group: *Records Management Roadmap* (a multi-part toolkit for governments and public-sector organizations): <https://www.worldbank.org/en/about/archives/RecordsManagementRoadmap>

University of Pennsylvania: “A Toolkit for Centering Racial Equity Throughout Data Integration”:
https://www.aisp.upenn.edu/wp-content/uploads/2020/06/AISP-Toolkit_5.27.20.pdf

Library Journal: Interview with Ry Moran, founding director of the National Centre for Truth and Reconciliation at the University of Manitoba, Canada: <https://www.libraryjournal.com/?detailStory=Ry-Moran-on-archiving-truth-and-reconciliation-materials-and-respecting-the-record>

Science Alert: Source code stored in Arctic vault: <https://www.sciencealert.com/giant-21tb-haul-of-source-code-buried-in-arctic-mineshaft-vault-for-an-unknown-future>

Please share news with us! trudy@trudypeterson.com

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