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

Who gets to decide? Sociologists and political scientists debate this; historians ask who decided in the past. This question is at the heart of two current controversies: who decides what statues stand and what names are on buildings and who decides what content Facebook and its cousins can carry. The issues are different, but they both go to the nature of power in our societies.

Statues have come down or been defaced or challenged, including those of Christopher Columbus, Belgium's King Leopold II, and Robert Baden-Powell, the founder of the Boy Scouts. The *name* of a U.S. President—Woodrow Wilson, internationally known for his role in the League of Nations—was removed from a school at Princeton University (Wilson had been Princeton's president). Discussions of removing the names of Confederate generals from U.S. military bases is live. The flag of the U.S. State of Mississippi was “retired” because it incorporated a Confederate symbol. Some of these outcomes were the result of direct public action, some by decisions of elected political or, in the case of universities, academic bodies. No matter who is deciding, it is a wave powered by the public.

The major *social media* companies—Facebook, Twitter, LinkedIn, Instagram, Snapchat, Pinterest, and Reddit—are under pressure to moderate the content on their platforms: to remove hate speech and messages encouraging terrorism, invading privacy, offering pornography and promoting child sex abuse, to name only the most prominent. In the U.S., where all seven companies are headquartered, Section 230 of the Federal Communications Decency Act immunizes website operators against defamation claims arising out of third-party content. (“No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.” 47 U.S.C. §230(c)(1)). The companies have established what Facebook calls “Community Standards” for postings (https://www.facebook.com/communitystandards/objectionable_content). Adherence to the standards is enforced by artificial intelligence algorithms and hired “monitors” whose work exposes them to abusive, violent and just plain gory content. Unlike the direct public pressure in the statue and names cases, public pressure on the social media companies is indirect. For example, Facebook is now under financial pressure from other for-profit companies that are pulling their advertising from the platform because those companies are themselves under pressure from civil rights groups who want hate speech blocked (<https://www.cnn.com/2020/07/01/facebook-frustrates-advertisers-as-boycott-over-hate-speech-kicks-off.html>). In sum, the high-level decisions are made by a for-profit social media company answerable to shareholders, and the decisions are implemented by thousands of laborers whose work exposes them to both burnout and long-term psychological trauma.

While it is clear that hateful, abusive material increasingly has been removed, problems have arisen. Facebook famously took down the iconic photograph of a Vietnamese girl running from napalm burns (<https://www.theguardian.com/technology/2016/sep/09/facebook-reinstates-napalm-girl-photo>) and an Australian photograph from the 1800s of aboriginal men in chains (<https://www.theguardian.com/technology/2020/jun/15/facebook-blocks-bans-users-sharing-guardian-article-showing-aboriginal-men-in-chains>); both were restored after press exposure. *Thomson Reuters Foundation* reported on the growing concern by human rights groups that war crimes evidence on social media is “threatened by AI [artificial intelligence] moderation” on the sites. A researcher for the Syrian Archive, an NGO that preserves video from conflict zones in the Middle East, said, “Our research suggests that since the beginning of the year, the rate of content takedowns of Syrian human rights documentation on YouTube roughly doubled [from 13 to 20 percent].” (<https://www.sightmagazine.com.au/features/16164-lost-memories-war-crimes-evidence-threatened-by-ai-moderation>)

What have archives to do with all this? In the statutory and naming matter, archives hold the documentation of the erection of the statue or the naming ceremony, usually replete with glowing encomiums of the life of the person honored. But archives also hold the records of the larger life of the person, including evidence of actions and attitudes that may not be reflected in or may be at odds with the public tributes. Archives have to make these larger materials publicly available for research, allowing a reasoned decision-making process for determining whether the commemoration of the person meets contemporary community moral principles. And archives provide the evidence that can contextualize a statue or name that is allowed to remain in place and hold the records of the reconsideration of the placement or the public actions that led to the removal.

The institutional archives of the social media companies will hold the records of the development of the community standards and the pressures that lead to revisions of the terms. Governments, businesses and other institutions may preserve in their archives the social media posts of the staff members; individuals may keep a copy of private postings. Other archives, such as the Syrian Archive mentioned above, will try to capture and preserve content critical for understanding crimes against humanity. But just as the social media companies take down a certain kind of posts, the commercial companies are also the arbiters of how long they will maintain the cat and dog pictures, the vacation snaps, and the daily chats. If you want it saved, they seem to say, do it yourself.

So, we are left with public power, spontaneous or deliberative, to decide on the commemorations with which we live. And we co-exist with the private power that decides which messages we receive via social media. Two current concerns and two powers, public and private, separate and unequal.

International news.

Economic Community of West African States (ECOWAS) Community Court of Justice. The Court ruled that the September 2017 internet shutdown ordered by the government of Togo during protests is illegal “and an affront to the applicants’ right to freedom of expression,” Access Now, a nongovernmental organization (NGO), reported. See also Indonesia below. <https://www.accessnow.org/internet-shutdowns-in-togo-illegal/>

International Criminal Court. The Sudanese militia leader Ali Kushayb was arrested in the Central African Republic and transferred to the Court, where he faces charges of war crimes and crimes against humanity in Sudan’s western Darfur region between 2003 and 2004, *Reuters* reported. https://www.reuters.com/article/us-warcrimes-sudan-car/darfur-militia-leader-in-icc-custody_face-allegations-of-crimes-against-humanity-idUSKBN23G23Z?fbclid=IwAR1Xsd6VlsfT5yFllxQDtKGFhHMAGNaWaCkLMP2dJXa2Qtpe5Ma_HXVqp2w

Kosovo Special Chambers. In its first public indictment, the court’s Special Prosecutor filed a ten-count indictment against Kosovo’s President Hashim Thaci and others alleging “a range of crimes against humanity and war crimes, including murder, enforced disappearance of persons, persecution, and torture” during Kosovo’s war of independence from Serbia between 1 January 1998 and 31 December 1999. <https://www.scp-ks.org/en/press-statement>

United Nations High Commissioner for Human Rights. The Office’s Accountability and Remedy Project issued its report, “Improving accountability and access to remedy for victims of business-related human rights abuse through non-State-based grievance mechanisms.” Policy Objective 11 is transparency, which urges the mechanisms to share with the public “data, information or analysis relevant to the goal of improving the understanding of rights holders of the operation and performance of the mechanism in practice.” Archives are critical for understanding the operations of both the mechanisms and the businesses in question. https://www.ohchr.org/Documents/Issues/Business/ARP/ARPIII_MainReport_AdvanceEditedVersion.pdf

The High Commissioner also issued a report, “Impact of new technologies on the promotion and protection of human rights in the context of assemblies, including peaceful protests.” Among the recommendations is to “refrain from recording footage of assembly participants” except in specified cases, “put in place strict privacy and data protection laws that regulate the collection, retention analysis and otherwise processing of personal data, including facial templates,” and “ensure transparency about the use of image recordings and facial technology in the context of assemblies.” A/HRC/44/24. <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session44/Pages/ListReports.aspx>

The Human Rights Council directed the High Commissioner “to immediately establish and dispatch a fact-finding mission to Libya, and to designate experts to . . . establish the facts and circumstances of the situation of human rights throughout Libya, and to collect and review relevant information, to document alleged violations and abuses of international human rights law and international humanitarian law by all parties in Libya since the beginning of 2016 . . . and to preserve evidence with a view to ensuring that perpetrators of violations or abuses . . . are held accountable.” <https://undocs.org/A/HRC/43/L.40>

United Nations High Commissioner for Refugees (UNHCR). The annual *Global Trends Report* showed that 79.5 million people are displaced at the end of 2019, of which 45.7 were within their own country. It pointed out that in the 1990s “on average 1.5 million refugees were able to return home each year” but in the 2010s only around 385,000 were able to return, “meaning that growth in displacement is today far outstripping solutions.” <https://www.unhcr.org/en-us/news/press/2020/6/5ee9db2e4/1-cent-humanity-displaced-unhcr-global-trends-report.html>

UNHCR's Innovation Service calls for proposals on the theme of Digital Access, Inclusion and Participation, to address five “active challenges”: 1) community-led networks to enhance last-mile connectivity, 2) safety of forcibly displaced persons online, 3) supporting digital access and inclusion of people with disabilities, 4) online community-led misinformation and rumor management, and 5) strengthening community-based protection through engagement of online social media influencers. Proposals must be submitted through UNHCR country offices; for information see <https://www.unhcr.org/innovation/digital-inclusion-call/>

World/general news.

Business records. The Organisation for Economic Co-operation and Development has *Guidelines for Multinational Enterprises*, a set of recommendations from the governments to businesses on responsible business conduct. Under the *Guidelines* each OECD country establishes a grievance mechanism, known as a National Contact Point (NCP). OECD Watch is the formal representative of civil society to the OECD, and each year issues an assessment of how the NCP mechanism is working. It reported that of the 28 cases filed worldwide with NCPs in 2019, 36% (10) were rejected with no offer of mediation to resolve the case. One that was resolved involved a Polish NGO that secured “agreement with an internet marketplace Grupa OLX sp.z.o.o. to screen out environmentally harmful advertisements from its digital sales platform,” the “first-ever agreement in a case involving the responsibility of online platforms and the digital economy.” <https://www.oecdwatch.org/wp-content/uploads/sites/8/2020/06/State-of-Remedies-2020.pdf>

“German pharmaceutical company Bayer says it’s paying up to \$10.9bn to settle a lawsuit over subsidiary Monsanto’s weedkiller Roundup, which has faced numerous lawsuits over claims it causes cancer,” *The Guardian* reported. “Bayer said the Roundup settlement would ‘bring closure to approximately 75%’ of the current 125,000 filed and unfiled claims.” Two weeks before this settlement was announced, a court in Colombia ruled that the spraying of glyphosate (the herbicide marketed as Roundup) which has been used to kill coca crops “cannot resume until the government informs and consults with affected communities.” For background on these long cases, see *HRWG News* 2019-03 and 05. <https://www.theguardian.com/business/2020/jun/24/bayer-109bn-settlement-monsanto-weedkiller-roundup>; <https://www.sciencemag.org/news/2020/06/pandemic-upends-colombia-s-controversial-drug-war-plan-resume-aerial-spraying>

Three NGOs issued a report on the Compagnie des Bauzites de Guinee (CBG) and its resettlement of over 100 families in the village of Hamdallaye “to an incomplete resettlement site without adequate housing, water and sanitation and without sufficient arable land and sustainable livelihood opportunities.” The report used company documents, inventories of household assets, interviews with residents, and “monitoring reports of CBG’s independent environmental and social consultant Ramboll.” The NGOs reported, “A significant part of the nearly 400 resettlement documents collected from complainant villages [13, including Hamdallaye] that we reviewed for this report were unsigned by CBG, official representative and community members.” The photos accompanying the report make the case. https://www.inclusivedevelopment.net/wp-content/uploads/2020/06/Hamdallaye-English.pdf?_cf_chl_captcha_tk__=b816c5475ce47d7a503cf6be302a031d3bdd25e9-1592931001-0-AW_KWXkq74ZSSctx3yqwFqfEPt-PTNciiBgpco4T9xdnjdY4eQwtw7XCdNyyq-5oALmUEq-JzYkmDod6nB5kMPKL9xTOBWzd8mJjVWjZOV1dWV8suYFMzPUR5VEkNXqV0ZWwdDq-

[F0rE0gl6xPv8dJXJxs9BrVbEppqGolT3Sj9ENU65SjAhJyDmyN0FRXs7tFTkoTUgRH-STUpV_v7OFxYgyIjZ-STFP9iPw61NFM0x6jBxA-BQvVw4S1NvOQKwkjqWPMX7bWuf9WvgG8G1SaAr_j6ayYtxfdVnELV6ZA0Y6Z5VmBhiIKLRiGH36zYOowptfBbc520h5A8phdSEucwPaOr_Hip1YNUvGB4gBII016qJ4J0S-9iSHkGBiDTNOVn-8rUIOxCrm9jLMMgmJmhni9760u78ZqRg0dW2faiYxNuOsA8Ff8kHNriw_Hl_jPwQaiNjNFnOrsIi4dKzPpGbFNXS8ZNtRXvSydTMTac2sAJe8OwEYHnOTL4faF-18cCtL0utbV72SfoUEfe_osa5atcfCMknU0XjHngnof40](https://www.finnwatch.org/en/news/743-thailand)

Finnwatch, an NGO, reported that Thailand’s Supreme Court ruled in favor of activist Andy Hall in a criminal defamation and computer crimes charge “brought against him by the pineapple company Natural Fruit Co Ltd. in 2013.” The prosecution stemmed from interviews Hall conducted for Finnwatch with migrant workers at the company plant in southern Thailand in which the workers “detailed allegations of violations of labor and human rights” and from an interview he gave to *Al Jazeera*. The 2013 Finnwatch report, “Cheap has a High Price,” claimed the company “violated the human rights of its workers, including confiscating workers’ passports and identity papers.” <https://finnwatch.org/en/news/743-thailand>

A fuel spill in Siberia at a power plant owned by Norilsk Nickel is the largest in Russian Arctic history, Russia’s branch of Greenpeace said. The governor of the region said he became aware of the spill when “alarming information appeared in social media,” reported the *Washington Post*. In a televised video conference on the spill, Russian President Putin said he would “have to ask the relevant monitoring and law enforcement agencies to find out what kind of information was reported where and what the response was from all those would be supposed to act.” Russia’s Investigative Committee announced three criminal probes on charges of “pollution and alleged negligence” and released “video footage shot on a mobile phone that appears to show fuel cascading down from the reservoir,” *AFP* reported. <https://www.ibtimes.com/putin-declares-state-emergency-over-siberian-fuel-spill-2987507> <https://www.seattletimes.com/nation-world/arctic-oil-spill-prompts-russias-putin-to-declare-emergency-and-slam-slow-response/>

Catholic Church. France’s Independent Commission on Sexual Abuse in the Catholic Church (CIASE) “estimates that there have been at least 3,000 victims since 1950,” *teleSUR* reported. CIASE cautioned that “these figures are provisional since the task force continues to investigate Episcopal archives and receive testimonies.” “Over the past months, 5,300 complaints” have been received; complaints can be submitted until 31 October. https://www.telesurenglish.net/news/French-Catholic-Priests-Sexually-Abused-at-Least-3000-People-20200617-0008.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=14

Copyright. Internet Archive is ending its program of offering free, unrestricted copies of e-books because of a lawsuit from publishers, which said lending out books without compensation for authors or publishing houses was “willful mass copyright infringement,” the *New York Times* reported. For background, see *SAHR News* 2020-04. <https://nyti.ms/37wYOwh>

Environment. Researchers at the Autonomous University of Barcelona analyzed 2,743 cases of environmental conflicts from around the world published in the *Global Atlas of Environmental Justice*. They wrote, “Environmental defenders are frequently members of vulnerable groups who employ largely non-violent protest forms. In 11% of cases globally, they contributed to halt environmentally destructive and socially conflictive projects, defending the environment and livelihoods. Combining strategies of preventive mobilization, protest diversification and litigation can increase this success rate significantly to up to 27%. However, defenders face globally also high rates of criminalization (20% of cases), physical violence (18%), and assassinations (13%), which significantly increase when Indigenous people are involved.” <https://doi.org/10.1016/j.gloenvcha.2020.102104>

Medical records. Medical services are moving toward allowing patients to see their electronically health records. A research team asked patients at “3 U.S. health care organizations with open notes, including 79 academic and community ambulatory care practices,” to respond to a survey on the accuracy of their data. Nearly 30,000 persons participated; 1 in 5 reported finding a mistake and 40% of them “perceived the mistake as serious,” the team reported in *JAMA*. https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2766834?utm_source=STAT+Newsletters&utm_campaign=e2f79e0893-MR_COPY_01&utm_medium=email&utm_term=0_8cab1d7961-e2f79e0893-149736437

“In the past two years, 16 companies have gained access to de-identified patient data through licensing deals” with the U.S. Mayo Clinic, *STAT* reported. Patients “were not notified of the deals or asked to consent to the use of their data for the products under development,” raising serious ethics questions. <https://www.statnews.com/2020/06/03/mayo-clinic-patient-data-fuels-artificial-intelligence-consent->

concerns/?utm_source=STAT+Newsletters&utm_campaign=2a32f0a48a-MR_COPY_01&utm_medium=email&utm_term=0_8cab1d7961-2a32f0a48a-149736437

A research group examined the risk of preterm birth for women living near oil and gas wells. Using data on live births (892,088 between 1998 and 2011) from eight counties in the San Joaquin Valley in the U.S. State of California, they then linked this to the address of the mother (geocoding) and mapped it against government and private data on 160,256 wells in the area. They found evidence that “exposure to oil and gas well sites is associated with increased risk of spontaneous preterm birth.” https://journals.lww.com/environepidem/Fulltext/2020/08000/Oil_and_gas_production_and_spontaneous_preterm.1.aspx?context=LatestArticles

According to European Union rules, universities and companies conducting drug trials are to upload their clinical survey results to the European Union Drug Regulating Authorities Clinical Trials Database (EudraCT). *STAT* reported that the NGO TranspariMED reviewed the data and found that two-thirds of the known 188 COVID-19 trials “have no record” in the database. “Researchers maintain that without access to specific data, trial results cannot be easily duplicated, which inhibits greater understanding of how medicines might work . . . and can adversely affect treatment decisions and health care costs.” https://www.statnews.com/pharmalot/2020/06/17/covid19-coronavirus-clinical-trials-transparency/?utm_source=STAT+Newsletters&utm_campaign=b60738e8a9-MR_COPY_01&utm_medium=email&utm_term=0_8cab1d7961-b60738e8a9-149736437

Sexual violence in conflict. The NGOs Institute for International Criminal Investigations and Nadia’s Initiative, with support from the UK government, published a draft “Global Code of Conduct for Documenting and Investigating Conflict-related Sexual Violence” (the “Murad Code”). Many of the elements have an archives component. The Code is open for global consultation until 1 December 2020. <https://www.muradcode.com/draft-murad-code>

Technology. For five years a man in the U.S. State of California “systematically harassed and terrorized young girls using chat apps, email and Facebook,” *VICE News* reported. The threats were so serious that Facebook took the “unprecedented step of helping the FBI [U.S. Federal Bureau of Investigation] hack him to gather evidence that led to his arrest and conviction.” Facebook worked with a third party, not directly with the FBI, and “according to sources within the company, this is the first and only time Facebook has ever helped law enforcement hack a target.” The article commented that this hack “highlights the technical capabilities of Facebook, a third-party hacking firm it worked with, and law enforcement, and raises difficult ethical questions about when—if ever—it is appropriate for private companies to assist in the hacking of their users.” https://www.vice.com/en_us/article/v7gd9b/facebook-helped-fbi-hack-child-predator-buster-herandez

A municipality in Sarajevo, Bosnia, twice had to stop issuing birth and death certificates and marriage licenses “due to a computer virus that locks documents in its database,” *BIRN* reported. The office said that the central electronic registry of all Bosnian birth and death certificates was not wiped out. https://balkaninsight.com/2020/06/08/computer-virus-stops-sarajevo-municipality-issuing-birth-certificates/?utm_source=Balkan+Insight+Newsletters&utm_campaign=fbab25c5d9-BI_DAILY&utm_medium=email&utm_term=0_4027db42dc-fbab25c5d9-319725265

In the wake of the nationwide protests over police tactics, IBM, Amazon, and Microsoft all issued statements that they either will not sell or will limit the sale of facial recognition technology to law enforcement agencies in the U.S. IBM told *The Verge* that it will “no longer develop or research the technology.” Amazon said it was “implementing a one-year moratorium on police use of Amazon’s facial recognition technology” but “will continue to allow organizations like Thorn, the International Center for Missing and Exploited Children, and Marinus Analytics to use Amazon Rekognition to help rescue human trafficking victims and reunite missing children with their families.” And Microsoft’s president said, “We will not sell facial-recognition technology to police departments in the United States until we have a national law in place, grounded in human rights, that will govern this technology.” <https://www.theverge.com/2020/6/8/21284683/ibm-no-longer-general-purpose-facial-recognition-analysis-software?fbclid=IwAR2cwKu3AUmP4KX5TvT4uQIjj5Z4QuvABhgwRFuqfEusM4wxFq8N9WwvaZE>; <https://blog.aboutamazon.com/policy/we-are-implementing-a-one-year-moratorium-on-police-use-of-rekognition>; <https://www.washingtonpost.com/technology/2020/06/11/microsoft-facial-recognition/>

A county sheriffs' department in the U.S. State of Maryland has an "Electronic Storage Detection canine." The dog has been trained to sniff out "all kinds of storage devices like flash drives and cell phones" which often provide crucial "evidence in crimes involving sexual offenses." <https://ourcommunitynow.com/news-local/harford-county-sheriffs-office-swears-in-a-digital-storage-sniffing-dog>

World War II. The National Archives of Belarus published archival materials related to Operation Cormorant, a "Nazi punitive operation in Belarus, May-June 1944." A total of 634 documents from both Belarusian and Russian archives are included. <https://eng.belta.by/society/view/belarus-national-archives-publishes-documents-about-cormorant-nazi-punitive-operation-131128-2020>

Bilateral and multilateral news.

Belgium/Democratic Republic of Congo. As the public hotly debates Belgium's past actions in the Congo, three actions responded to the clamor. The parliament decided to "set up a parliament commission to examine Belgium's colonial past, principally in the Congo," the *Brussels Times* reported. That was followed by a public letter from Belgian King Philippe to Congolese President Félix Tshisekedi expressing his "deepest regrets" to the Democratic Republic of Congo for the "humiliation and suffering" inflicted during Belgium's colonial occupation of the country. And five mixed-race women born in Congo during the colonial period "who were taken away from their Black mothers have filed a lawsuit for crimes against humanity targeting the Belgian state," *AP* reported. For background on the child separations, see *SAHR News* 2019-04. <https://www.brusselstimes.com/all-news/belgium-all-news/117289/parliament-approves-commission-on-belgiums-colonial-past/>; <https://apnews.com/2f571d069de35fdaedda32b4a6f1f08a>

Balkan wars. *BIRN* published a story on Bosnia's state court and its archives of war crimes trials. With 2,900 ongoing cases with 12,950 "binders" of records plus five rooms of records of closed cases, the registrar said, "There is total lack of space and capacity for the archives." The court does not have an electronic archives, "public files and exhibits are not accessible on line," and a defense lawyer complained that access to the records is "very limited," adding, "Most evidence I find through the website of the ICTY" [International Criminal Tribunal for the former Yugoslavia]. <https://balkaninsight.com/2020/06/23/burden-of-proof-inside-bosnias-war-trial-case-archives/>

CARICOM/United Kingdom. Lloyd's of London and the pub chain Greene King apologized for their role in slavery and both pledged to make financial contributions, *Daily Mail* reported. Caribbean nations (CARICOM) said "Britain's institutions should go much further than simply apologizing and give some wealth back to the Caribbean by funding development at the epicentre of the slave trade." For background, see *HRWG News* 2017-08 and 11. <https://www.dailymail.co.uk/news/article-8439367/Caribbean-countries-say-companies-benefited-slave-trade-pay-reparations.html>

France/Rwanda. France's State Council ruled that a researcher could consult the archives of former president Francois Mitterand concerning the 1994 genocide in Rwanda, *France 24* reported. This resolves a case that has been in contention since 2015 when the French presidency announced it would declassify its archives on Rwanda 1990-1995. For background, see *HRWG News* 2017-12. <https://www.france24.com/en/20200612-france-grants-researcher-access-to-mitterand-s-archive-on-rwandan-genocide>

Gambia/United States. The U.S. District Court in Colorado indicted Gambian Michael Sang Correa for torture of six people in Gambia, following a 2006 attempted coup against then-President Yahya Jammeh. Correa is alleged to have been a member of the Junglers death squad; he was originally arrested in the U.S. in 2019 for overstaying his visa. Evidence assembled by the Gambia truth commission (see below) will provide important background for the trial. https://denver.cbslocal.com/wp-content/uploads/sites/15909806/2020/06/michael_correa_indictment.pdf

Israel/Palestine. The Palestinian Authority announced that it will start issuing personal documents for Palestinians without validation by Israeli authorities, *The New Arab* reported. "Under the 1993 Oslo accords, the PA has issued identity cards, birth certificates and other documents . . . but they were only considered valid after endorsement by Israel, which controls all movement in and out" of the Palestinian territories. For background, see *SAHR News* 2020-05. <https://english.alaraby.co.uk/english/news/2020/6/12/palestinian-document-scheme-risks-leaving-thousands-stranded>

Liberia/United States. *Justiceinfo.net* published an article on the Liberian Truth and Reconciliation Commission archives that are now in storage at the Georgia Institute of Technology (U.S.). “This is a unique case of a truth commission’s archives being expatriated to a foreign university, under an agreement that has now expired.” <https://www.justiceinfo.net/en/truth-commissions/44506-why-liberia-trc-archives-stay-in-us-university.html>

Mideast war. The Bureau of Investigative Journalism (TBIJ) said its investigation showed 115 civilians (more than 70 children) died in 10 U.S. and U.S.-backed Afghan air force airstrikes in Afghanistan during 2018-2019. TBIJ had the assistance of the investigative group Bellingcat and volunteers who “compiled social media posts and local news reports.” TBIJ “crowdsourced information on particular strikes, then worked with an *Al Jazeera* film crew who traveled to Afghanistan to meet some of the survivors, confirming civilian casualties in some instance when the U.S. government had not admitted them.” https://theintercept.com/2020/06/03/children-killed-airstrikes-afghanistan-tbij-report/?utm_medium=email&utm_source=The%20Intercept%20Newsletter

Of the two men on trial in Germany for acts of torture in Syria, most media attention has focused on Asnuar Raslan, who was a high-ranking Syrian army officer. The “most reliable way to try to understand” the other man, Eyad Al-Gharib, said *justiceinfo.net*, is “by consulting a mosaic of documents presented to the court: a military identity card mentioning his status as a voluntary accused; a letter to the youth welfare office in Germany stating that his 19-year-old daughter suffers from muscular dystrophy and is in a wheelchair; a criminal complaint concerning an incident at the refugee home in Hermeskeil where he slapped a boy and threatened to cut his head and hand; and finally, the detailed accounts that Al-Gharib gave to the migration office and the Federal Police . . . about his career.” <https://www.justiceinfo.net/fr/tribunaux/tribunaux-nationaux/44637-syrie-homme-ombre-raslan-suivre-ordres.html>

Justiceinfo.net also published an article on the trial in The Netherlands of former Syrian army officer Ahman Al-Khedr, the first trial there on the basis of universal jurisdiction. Al-Khedr is accused of terrorism and war crimes. The case began when German police provided information to the Dutch: “testimonies collected within the framework of an overseas investigation detailed[ed] the role of a certain ‘Abu Khuder’ within the Ghuraba’a Mohassan battalion and in particular his participation in the extrajudicial execution of a Syrian army officer in July 2012.” Al-Khedr also is charged with being a member of the jihadist group Jabhat al-Nusra; he told a journalist from *The Guardian* of his alliance to it, which the journalist reported; the prosecutor has that report. <https://www.justiceinfo.net/fr/tribunaux/tribunaux-nationaux/44619-syrie-pourquoi-les-procureurs-hollandais-lient-terrorisme-et-crimes-de-guerre.html>

The U.K. independent investigator into allegations that U.K. soldiers committed war crimes in Iraq between 2003 and 2009 told *BBC* “all but one of the thousands of complaints had been dropped” and “that it was ‘quite possible’ that none of the original allegations would lead to a prosecution.” The now-disbarred lawyer Phil Shiner had urged the investigation, based “on the accounts of more than 300 Iraqis who allegedly witnessed or experienced crimes ranging from rape and torture to mock executions and other atrocities,” *AFP* reported. For background, see *SAHR* 2019-11. <https://www.france24.com/en/20200602-uk-s-iraq-war-crimes-probe-dismisses-all-but-one-complaint>

National news.

Argentina. “Argentina’s intelligence agency says the administration of previous President Mauricio Macri spied on more than 400 journalists, and officials released an Excel spreadsheet listing 402 journalists surveilled “who apparently had applied for accreditation to cover summits of the World Trade Organization or Group of 20 that were being scheduled in 2018 by the Macri administration,” *AP* reported. “The prosecutor’s office said the new chief of the intelligence agency . . . reported finding a computer hard drive with evidence of illegal spying on emails of academics, journalists and social and political workers during Macri’s term from 2015 to 2019.” And *Pagina/12* revealed that an extensive body of material was made available to the Federal court of Lomas de Zamora on “the complex network of illegal espionage” during the Macri years, much of which “came from the cellphone” of a former member of the Agencia Federal de Inteligencia who didn’t “throw anything away for years.” <https://mainichi.jp/english/articles/20200608/p2g/00m/0in/001000c>; <https://www.pagina12.com.ar/271019-cristina-kirchner-se-presento-ante-la-justicia-por-el-espion>

Bolivia. The contentious 2019 presidential election led Bolivia to ask the Organization of American States, which had observed the election, to validate the results. After an analysis of the voting statistics, OAS said there was fraud; it did not validate the announced outcome, leading President Evo Morales, the announced winner, to leave the country. Now a team of academic researchers, “using data obtained by the *New York Times* from Bolivian electoral authorities, has found that the Organization of American States’ statistical analysis [of the vote] was itself flawed.” In an unusually combative response, OAS issued a press release saying “the researchers display a profound ignorance” of the Bolivian electoral system and the context in which the election took place, that it recognizes “the *NYT*’s right to lie, distort, and twist information, data, and facts, and to mix truth and lies as often as it wishes,” and even noted that “[f]or some unacceptable and incomprehensible reason the *NYT* also failed to report on its front pages the evidence of the genocide in the Holocaust and the Nazi concentration camps in the latter years of World War II.” <https://www.nytimes.com/2020/06/07/world/americas/bolivia-election-evo-morales.html>; https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-064/20

Brazil. *Folha de S.Paulo* reported that Alberto Kopttike, the director of Instituto Cidade Segura Kopttike, compiled health data on violent deaths in Sao Paulo and Rio de Janeiro during the military dictatorship and found “the period between 1965 and 1985 . . . marks the beginning of the violence epidemic in Brazil.” In Sao Paulo the murder rate grew 390% during those years, and “according to data from the Sao Paulo Public Security Secretariat, between 1999 and 2018 the rate fell by 83%.” But, he concluded, the military regime did “contaminate the new democracy with the dictatorship’s DNA,” leading to Brazil now “breaking records for police lethality.” <https://www1.folha.uol.com.br/internacional/en/brazil/2020/06/regime-seeded-police-with-repressive-values-and-methods.shtml>

The “dirty list” is a “powerful anti-slavery tool” listing “about 180 companies that were found by labor inspectors to have engaged in slave labor.” *Thomson Reuters Foundation* used Brazil’s Access to Information Law to obtain records of the list and found that “about 120 companies . . . had used court injunction since 2004 to either halt their inclusion on the dirty list pending an appeal or have their name removed.” They also found that a Sao Paulo state-owned company awarded a contract to a construction company that was on the list for enslaving 10 workers. Brazil’s anti-slavery prosecutor said, “State governments must put into law that firms on (the dirty list) cannot be hired.” <https://news.trust.org/item/20200615041651-fe2f9/>

The government banned the release on its official website of the numbers of persons affected with COVID-19 and the resulting deaths, but a supreme court justice ruled that the full details must be reinstated, *BBC* reported. https://www.telesurenglish.net/news/brazil-bans-release-of-covid19-deaths-and-infections-numbers-20200608-0003.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=10; <https://www.bbc.com/news/world-latin-america-52980642>

Canada. Volume 1 of the 1876 *Journal of Proceedings* of the 3-person Joint Indian Reserve Commission, created by the governments of Canada and British Colombia “to fix the boundaries of Indian Reserves in the province,” was in private hands until the Royal BC Museum bought it for \$15,000 in 2018. The Museum has now digitized it and posted it online; it believes no other copy of Volume 1 exists although “the ledger’s core information is preserved elsewhere in official records.” Volume 2 is in Library and Archives Canada and has also been digitized. <https://www.vicnews.com/news/museum-makes-historic-indian-reserve-commission-document-accessible-to-public/>

A nearly 12-minute dashcam video from a Royal Canadian Mounted Police vehicle “of the March arrest of Athabasca Chipewyan First Nation Chief Allan Adam shows an arriving officer jump-tackling the chief to the ground without warning, punching him in the head and putting him in a chokehold,” *CBC News* reported. The RCMP said Adam was stopped because the vehicle registration on the truck he was driving had expired. Adam is suing and Alberta’s [province] director of law enforcement directed the Alberta Serious Incident Response Team . . . to conduct an investigation. <https://www.cbc.ca/news/canada/edmonton/rcmp-chief-allan-adam-1.5608472>

History Beyond Borders, the “CROSSING BORDERS research cluster at Bishop’s University,” published an “e-dossier” of Six Nations appeals to the League of Nations, 1922-31. The 16 items, assembled from several archives, trace the work of the Six Nations Confederacy of the Grand River as it made an international case for its autonomy from the government of Canada. <http://historybeyondborders.ca/?p=189>

China. The Australian Strategic Policy Institute (ASPI) published a report on the development of China's police-run DNA database. Using 757 sources, listed in an appendix, the report documents “hundreds of police-led DNA data-collection sorties in 22 of China's 31 administrative regions (excluding Hong Kong and Macau) and across more than a hundred municipalities between late 2017 and April 2020. Evidence suggests that, in some locations, blood collection has occurred in preschools . . . since late 2017, authorities across China have sought to collect DNA samples from 5-10% of the country's male population, or roughly 35-70 million people. These ordinary citizens are powerless to refuse DNA collections and have no say over how their personal genomic data is used.” The DNA collected is Y-STR (the “short tandem repeats on Y chromosomes that are found only in male DNA”) which, “when combined with accurate genealogical records (family trees) and powerful next-generation gene sequencers” is a “powerful tool” for surveillance. The website of a company that builds Y-STR databases for the Ministry of Public Security said “its databases allow DNA data to be compared with non-genetic data on Chinese citizens contained in the national personal residence database system and the comprehensive police database system.” ASPI concluded that “for the Chinese Government, Y-STR analysis presents a more cost-effective and efficient method of building a national genetic panopticon.” The collection program appears to violate the human rights of Chinese citizens because the “compulsory collection of biological samples among non-criminal offenders is not current authorized under Chinese law,” there is lack of informed consent for the collection, and there is a lack of privacy in the use of the DNA. <https://www.aspi.org.au/report/genomic-surveillance>

AP reported that the “Chinese government is taking draconian measures to slash birth rates among Uighurs and other minorities as part of a sweeping campaign to curb its Muslim population.” Basing its investigation on “government statistics, state documents and interviews with 30 ex-detainees, family members and a former detention camp instructor,” *AP* said the “state regularly subjects minority women to pregnancy checks, and forces intrauterine devices, sterilization and even abortion on hundreds of thousands.” *AP* said government statistics show “birth rates in the mostly Uighur regions of Hotan and Kashgar plunged by more than 60% from 2015 to 2018” and plunged 24% in the Xinjiang region last year “compared to just 4.2% nationwide.” China's foreign ministry called the report “fake news.” https://apnews.com/269b3de1af34e17c1941a514f78d764c?utm_source=piano&utm_medium=email&utm_campaign=morningwire&pnsid=mOQz9v5bGBKNTd0BE0IZYD2skhGYgQbSSEfR5LBP

El Salvador. In a precedent-setting ruling, a judge in the El Mozote massacre case ordered the President to give researchers access “to the military files related to the massacre and those related to military operations against human rights carried out between 1980 and 1982,” *El Faro* reported. President Nayib Bukele told *El Faro*, “If there is any file to declassify that is classified and is there, well, obviously we are going to do it. More for the search for truth than the court order, which of course would be binding.” https://elfaro.net/es/202006/el_salvador/24589/Juez-de-El-Mozote-env%C3%ADa-inspectores-a-buscar-los-archivos-que-el-Ej%C3%A9rcito-niega.htm?utm_source=DB+El+Faro+English&utm_campaign=0ea702dd91-EMAIL_CAMPAIGN_2020_04_22_01_08_COPY_01&utm_medium=email&utm_term=0_3ec9190c89-0ea702dd91-363082696

Gambia. At hearings before the Truth, Reconciliation and Reparation Commission [TRRC], prisoners and prison guards testified about the realities of the Mile 2 prison. According to the current director of Gambia's prison service, “It was a tolerated practice for the NIA [National Intelligence Agency] to bring in prisoners without proper documents or papers” and when NIA personnel came to take a prisoner out, in the registry “only the license plates of the vehicles that came for NIA prisoners were noted. They only marked NIA instead of the name” of the persons involved. “Despite poor record keeping, the TRRC was able to establish that at least 41 people died at Mile 2 between 1994 and 2017,” *justiceinfo.net* reported. <https://www.justiceinfo.net/fr/commissions-verite/44651-verite-derriere-murs-mile-2-cinq-etoiles-jammeh.html>

Guatemala. The Constitutional Court “admitted a protective measure filed by victims of the Guatemalan armed conflict, who are challenging the decision of President Alejandro Giammattei earlier this year to close the Peace Secretariat (SEPAZ),” *International Justice Monitor* reported. SEPAZ was created in the context of the 1996 Peace Accords to coordinate implementation of the provisions and to ensure that Guatemala upheld its international obligations “including the obligation to investigate, prosecute and punish international crimes.” SEPAZ had a Peace Archive, which the government shut down previously. “The shuttering of SEPAZ would represent a serious setback for the prosecution and punishment of grave crimes trials as well as other transitional justice measures in Guatemala.” <https://www.ijmonitor.org/2020/06/covid-19-delays-ruling-on-dos-erres-massacre-charges/>

A “respected indigenous Maya spiritual guide was tortured, doused in gasoline and burned to death after being accused of witchcraft,” *The Guardian* reported. “A widely shared video of his final moments shows Choc Che running in flames and begging for help before collapsing.” Two men and two women have been arrested in the case. <https://www.theguardian.com/world/2020/jun/10/guatemalan-maya-spiritual-guide-tortured-burned-alive>

A blog by Elis Mendoza, a Mexican architect, described the work of forensic architecture in the Sepur Zarco case of sexual violence against Quiche women. With the assistance of residents, interviews, aerial images of land surveys from the “land tenure archives,” the architects reconstructed the scene, aiding in “establishing the criminal responsibility of one of the defendants.” <http://blog.castac.org/2020/03/architecture-as-a-justice-accessing-technology-in-postwar-guatemala/>

India. India required public sector workers to download its coronavirus tracing app Aarogya Setu, which “uses Bluetooth and GPS location data to monitor the app users’ movement and proximity to other people. Users are asked to input their name, phone number, age, gender, profession and the countries they have visited in the past 30 days, as well as prior health conditions and a self-assessment about any Covid-19-related symptoms. A unique digital ID . . . is generated for each user,” *CNN* reported. The app records the person’s location every 15 minutes. The data, if “deidentified” can be shared with “any ministry or institution, as long as it’s for the purpose of tackling Covid-19,” said the protocol for the app, and “any data received should be permanently deleted after 180 days.” But, said the executive director of the Internet Freedom Foundation, “There is no way to check and verify whether the complete destruction of data has taken place and if any third parties with whom the data is shared have also destroyed it.” The Indian government has the legal right to sell citizens’ data; last year it “sold citizens’ vehicular registration and driving license data to 87 private companies for 65 crore rupees (approximately \$8.7 million) without citizens’ consent,” a worrisome precedent. <https://amp-cnn-com.cdn.ampproject.org/c/s/amp.cnn.com/cnn/2020/06/21/tech/india-privacy-app-hnk-intl/index.html>

Indonesia. The Jakarta State Administrative Court ruled “that it was unlawful for the government to shut down the internet in Papua and West Papua during heightened security tensions caused by antiracism protests in the two provinces last year,” the *Jakarta Post* reported. “The government claimed in court that the . . . shutdown was in line with the Electronic Information and Transactions (ITE) Law. However, judges said the law could only be enforced to block access to electronic information and documents violating the law, not the entire internet.” In an earlier instance, the government had blocked both social media and instant messaging in Jakarta in May 2019 during postelection riots, “arguing that it was an effort to block fake news, videos and pictures relating to the riots.” <https://www.thejakartapost.com/news/2020/06/03/internet-ban-during-antiracism-unrest-in-papua-deemed-illegal.html>

Iran. A report from the NGOs International Federation for Human Rights (FIDH) and Justice for Iran said that “between 2009 and 2019, Iranian state-owned media broadcast the forced confessions of at least 355 individuals and defamatory content against at least 505 individuals.” The study, titled “Orwellian State: The Islamic Republic of Iran’s State Media as a Weapon of Mass Suppression,” is based on “more than 1,5000 hours of research and analysis of over 150 programs and 13 in-depths interviews with victims.” It also alleges that the Islamic Republic of Iran Broadcasting is actively involved in “the theft of private data.” <https://www.fidh.org/en/region/asia/iran/iran-new-report-demands-end-to-the-rampant-use-of-forced-confessions>

Kyrgyzstan. A man has been arrested and charged with torture after a video appeared online showing the man “slapping his wife and pouring buckets of water on her head . . . two tyres weighted down with bricks are tied around her neck,” *Thomson Reuters Foundation* reported. It is not clear who took the photos. <https://news.trust.org/item/20200619135831-frfno/>

Philippines. The UN High Commissioner for Human Rights issued a report on the situation of human rights in the Philippines, based on 893 written submissions, correspondence with the government, interviews, “official data and documents from governmental and non-governmental sources, including legislation, policy guidelines, court documents, police reports, videos, photos and open source reports.” It found “persistent impunity for human rights violations,” “widespread and systematic” extrajudicial killings, and a “failure of domestic mechanisms to ensure accountability.” Among the recommendations are: “Establish an independent body to conduct prompt, impartial, thorough, transparent investigations into all killings, and into alleged violations of international humanitarian law, with a view to prosecution

and remedies for victims and their families,” and “Improve systems to compile and publish consistent, disaggregated data on all allegations of extrajudicial killings.” <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

Qatar. Qatar required both citizens and residents to install a contact-tracing app on “mobile devices when leaving their homes;” failure to comply could lead to a “maximum fine of \$55,000 or three years in prison.” The app “requires access to files on the phone,” leading to privacy concerns; a “government spokesperson told *Al Jazeera* that user data would be safe and accessible only to health professionals.” <https://www.aljazeera.com/news/2020/05/qatar-covid-19-app-mandatory-experts-question-efficiency-200524201502130.html>

South Africa. The Supreme Court of Appeal ruled that the NGO South Africa History Archives (SAHA) can have access to apartheid-era records of the South African Reserve Bank, ending a six year legal battle. Following the verdict SAHA said, “Given the alleged widespread state capture in South Africa, and untangling the extensive networks that enable corruption, it is more pressing than ever for the state to consider proactive disclosure of key archival records as a way of its stated commitment to the values of transparency and integrity. Private interests remain central to the abuse of state power and for this reason it is essential to hold those responsible for apartheid era and present day crimes and corruption to account, and access to information is a key instrument in those efforts.” http://www.saha.org.za/news/2020/May/press_release_openness_prevalves_in_victorious_judgment_in_sca_appeal.htm

South Korea. Police raided the office of an activist “whose anti-North Korea leafleting campaign has intensified tensions on the Korean peninsula,” seizing “leaflets, account books and other related materials,” *AP* reported. His brother’s office also was raided. https://apnews.com/7f6dc0bcc9118d302669c395b45a1c6e?utm_source=piano&utm_medium=email&utm_campaign=morningwire&pnewsid=1718tepZXRcNq4xJhBRDWDa2PXdbKdQK.DySOOI

Sri Lanka. Police in Colombo raided the home of journalist Dharisha Bastian and seized her laptop, the NGO Committee to Protect Journalists reported. Bastian said that the Criminal Investigation Department “previously obtained her phone records without a warrant and leaked them.” <https://cpj.org/2020/06/sri-lankan-authorities-seize-reporter-dharisha-bastians-laptop-in-home-raid/>

On Easter Sunday 2019 terrorist bombs in 8 locations killed 267 people and injured more than 500. Over 200 suspects were arrested. The Attorney General’s Department announced that “40 files of police inquiry conducted on the suspects of [the] . . . bombings are incomplete” and “therefore” it “cannot prosecute any of these suspects,” *Daily News* (Colombo) reported. The Department returned the files to the police “so that the inquiries concerning the suspects can be properly concluded for the determination of legal action.” How many more of the 200 cases are incomplete was not stated. <https://www.msn.com/en-xl/news/other/40-investigations-incomplete-to-prosecute-suspects/ar-BB161gZj>

Sweden. “Rape conviction rates in Sweden have risen 75% in the two years” since Sweden changed the legal definition of rape in 2018 to sex without consent and introduced “a new offence of negligent rape for cases where courts found consent had not been established but that the perpetrator had not intended to commit rape,” reported *Thomson Reuters Foundation*. A policy adviser at Sweden’s Amnesty International office said “a review of court cases in Sweden showed almost all victims knew their assailant.” <https://news.trust.org/item/20200622163231-zaoj7/>

Police closed the investigation into the assassination of Prime Minister Olof Palme in 1986, saying they believe the assassin is dead. “Hans Melander, the chief investigator, said that over the years the case had generated more than 22,000 leads and files occupying 250 metres of shelves. More than 10,000 people had been questioned since 1986, he said, and 134 had claimed responsibility for the murder,” *The Guardian* reported. <https://www.theguardian.com/world/2020/jun/10/olof-palme-murder-swedish-prosecutors-reveal-conclusions>

Taiwan. In 2016 the legislature passed a law “regulating the transfer of ill-gotten gains into the possession of political parties and their affiliated organizations.” Since that time, a commission has been investigating whether groups have been affiliates during the previous authoritarian regime, benefited from that relationship and received “material advantages” and, if so, whether the assets should be confiscated for the state. However, the “Commission can demand access to the archives of an entity it is investigating [but] it can only sanction it with a fine if the latter refuses to collaborate,” *justiceinfo.net* reported. One

investigation focuses on the National League of Women; the Commission “never managed to obtain all the documents in possession of the League in connection with [its] assets and the transactions [it] was able to make; the team sent by the Commission could only note that part of the archives had been removed before their inspection.” <https://www.justiceinfo.net/fr/les-debats-justiceinfo/opinions/44664-biens-kuomintang-nerf-bataille-transitionnelle-taiwan.html>

Ukraine. The Archives of the Security Service of Ukraine and the Ukrainian Institute of National Memory released *Chernobyl KGB File: From Construction to the Accident*. “According to the archives, accidents at the Chernobyl nuclear power plant occurred until [prior to] April 1986, but they were hidden.” <https://112.international/society/ukraines-security-service-archive-declassifies-details-of-chernobyl-accident-52412.html>

United States. A new report by the NGO Equal Justice Institute (EJI) “documents nearly 2,000 more confirmed racial terror lynchings of Black people by white mobs” between 1865 and 1876. The number was derived from “newspaper articles, summary records gathered and preserved by the federally-organized Freedman’s Bureau, and testimony taken during Congressional hearings,” but the documentation is incomplete and the total is likely higher. A previous report by EJI showed that between 1877-1950 there were 4,400 racial terror lynchings. <https://eji.org/reports/reconstruction-in-america-overview/>

Undark interviewed Brianna Remster, a sociologist who has studied a dataset of police reports of “civilian stops” in New York City—3.3 million between 2007 and 2014--which led a Federal judge to rule that the stop-and-frisk policy was racially discriminatory. However, she said, “we still do not have the data we should: a national, standardized, and public database of police use of force. Many scholars . . . leverage administrative data, analyzing existing police records on their use of force, to fill the void.” She pointed to the growing number of videos—from police body and dashboard cameras and from the public—as technology that made police brutality visible “to Americans who were otherwise able to avoid reckoning with it.” <https://undark.org/2020/06/19/undark-interview-brianna-remster/>

An activist group called Distributed Denial of Secrets “published a 269-gigabyte collection of police data that includes emails, audio, video, and intelligence documents, with more than a million files in total from more than 200 U.S. state, local, and Federal agencies, *WIRED* reported. It appeared to have been taken from a “web development firm called Netsential,” and a spokesperson for the group said it “pruned more than 50 gigabytes” before the release to protect privacy information. See also United States/*Minnesota* below. <https://www.wired.com/story/blueleaks-anonymous-law-enforcement-hack/>
https://www.wired.com/story/blueleaks-anonymous-law-enforcement-hack/?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_062220&utm_medium=email&utm_source=nl&utm_term=list1_p1

“In the first comprehensive accounting of judicial misconduct nationally, *Reuters* reviewed 1,509 cases from . . . 2008 through 2019 in which judges resigned, retired or were publicly disciplined following accusations of misconduct. In addition, reports identified another 3,613 cases from 2008 through 2018 in which states disciplined wayward judges but kept hidden from the public key details of their offenses—including the identities of the judges themselves. All told, 9 of every 10 judges were allowed to return to the bench after they were sanctioned for misconduct.” The U.S. has approximately 1,700 Federal judges and 30,000 state, county and municipal court judges. <https://www.reuters.com/investigates/special-report/usa-judges-misconduct/>

District attorneys in three cities—Boston, Philadelphia and San Francisco—will form truth commissions to review racial inequities, police violence, and misconduct in the legal system, reported *WBUR News*. <https://www.wbur.org/news/2020/06/30/boston-truth-justice-reconciliation-commission>

According to TRAC, a research center at Syracuse University, the data released by the Executive Office for Immigration Review (EOIR), which oversees the nationwide Immigration Court system, is so “deficient” that the public should not rely on its accuracy. “The EOIR’s apparent reckless deletion of potentially irretrievable court records raises urgent concerns that without immediate intervention the agency’s sloppy data management practices could undermine its ability to manage itself, thwart external efforts at oversight, and leave the public in the dark about essential government activities.” <https://trac.syr.edu/immigration/reports/611/>

Slate published an article by Sarah Esther Lageson on “digital punishment”—the “incorrect or misleading” criminal records from years past that “pop up on Google searches.” “Through uneven rollouts and competing legal and political mandates, data-driven criminal justice churns out millions of publicly available criminal records each year—a messy spillover far from the original intent of criminal recordkeeping. The data are often outdated, incorrect, and bought and sold in private markets by data companies.” It is, the author wrote, “guilt-by-Google.” <https://slate.com/technology/2020/06/criminal-justice-records-online-digital-punishment.html>

United States/California. A multinational research team linked data from the California Statewide Voter Registration Database (for age, sex, and addresses), the Dealer Record of Sale (of firearms) Database (records of 9.1 million handgun and long-gun transfers 1 January 1985 to 31 December 2016) and the Death Statistical Master Files to look at the relationship between handgun ownership and suicide. Reporting in the *New England Journal of Medicine*, the team found “an elevated risk of suicide among a large sample of first-time gun owners,” and “although women accounted for only 16% of all suicides by firearm and had substantially lower suicide rates than men, the risk of suicide by firearm among female handgun owners (as compared with female nonowners) was substantially greater than that among male handgun owners (as compared with male nonowners).” They concluded: “Our study bolsters and extends the message from previous research: ready access to firearms, particularly handguns, is a major risk factor for suicide.” https://www.nejm.org/doi/full/10.1056/NEJMs1916744?utm_source=STAT+Newsletters&utm_campaign=bd779f4289-MR_COPY_01&utm_medium=email&utm_term=0_8cab1d7961-bd779f4289-149736437

Pacific Gas and Electric pleaded guilty to the deaths of 84 persons in California’s 2018 Camp Fire, the deadliest wildfire in the State’s history. It was ignited when a transmission line broke from a tower that, records showed, the company “had repeatedly failed to maintain,” the *New York Times* reported. https://blendle.com/i/the-new-york-times/pg-e-says-its-guilty-in-84-deaths-from-fire/bnl-newyorktimes-20200617-27_3?sharer=eyJ2ZXJzaW9uIjoiMSIsInVpZCI6ImFyY2hpdmVzdGhwlwiaXRlbV9pZCI6ImJubC1uZXd5b3JrdGltZXMtMjAyMDA2MTctMjdfMyJ9: <https://www.nbcbayarea.com/news/local/cpuc-audit-2-critical-repairs-on-pge-transmission-grid-near-camp-fire-632-days-late/2153098/>

United States/Minnesota. “Newly leaked documents reveal that, in the wake of George Floyd’s killing, local and federal law enforcement agencies repeatedly told police in Minnesota that they were under attack. The fears stoked by the warning appear to have set the stage for the police’s escalating, violent response to the protests,” the *Intercept* reported. “The window into the police’s internal memos came thanks to a trove of documents called Blueleaks, which were published on the website Distributed Denial of Secrets. The site’s founder told *Wired* that the documents came from the hacking collective Anonymous, or someone claiming to be affiliated with the group. Government officials whose files appeared among the documents told the *Intercept* they were ‘illegally obtained,’ but no questions have been raised about their authenticity.” https://theintercept.com/2020/06/26/blueleaks-minneapolis-police-protest-fears/?utm_medium=email&utm_source=The%20Intercept%20Newsletter

The University of Minnesota’s Mapping Prejudice Project used housing deeds that included racial covenants (a clause that restricted the sale of certain houses and lots based on a person’s race) to develop an interactive map on Minneapolis’s system of racial segregation in neighborhoods over time. One outcome of the project: a new state law that allows homeowners to “amend their property deeds to renounce racist language.” <https://twin-cities.umn.edu/news-events/mapping-prejudice-painful-part-minneapolis-history>

Venezuela. Two NGOs, Foro Penal (FP) and Robert F. Kennedy Human Rights issued a report, “Enforced Disappearance as a Tool of Political Repression in Venezuela.” Foro Penal “has collected and systematized information” on disappearances, first recording the exact time and date of the detention and, “if known, the law enforcement agency involved.” If the person does not reappear within 48 hours, FP files a report of disappearance with national and international bodies. “FP has registered 235 politically motivated detentions in Venezuela so far this year. Of these, 33 have also resulted in enforced disappearances; 14 of these people remain disappeared as of May 31, 2020.” In 2018 200 disappearances of political detainees were reported and 524 in 2019. The report outlines important steps the government needs to take to fulfil the “obligation to promptly provide information and maintain up-to-date detention records.” <https://rfkhumanrights.org/work/protecting-human-rights/latin-america/venezuela/enforced-disappearance-tool-political-repression-venezuela>

Yemen. The Yemeni human rights group Mwatana said that since April 2020 it has “documented more than 1,600 cases of arbitrary detentions, 770 forced disappearances, 344 cases of torture and at least 66 deaths in unofficial detention centers,” *VICE News* reported. The cases “were verified in more than 2,500 interviews with former detainees, witnesses and relatives of the victims.” Mwatana said Iranian-backed Houthi rebels “were responsible for most of the abuses” but other forces “increasingly operated in the same way.” https://www.vice.com/en_us/article/m7j7nn/yemen-disappeared-torture-killed

Publications.

Swisspeace: “Family associations of disappeared and missing persons: Lessons from Latin America and beyond”: https://www.swisspeace.ch/assets/publications/downloads/Essentials/392e982a5f/20200528_FamAssociation_SAJ.pdf

Humanitarian Law Center, Belgrade: Podcast “Memory Cultures in Dialogue,” first of a series, in Serbian, 1 in 4 will be in English: <https://www.kulturesecanja.org/en/>

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