
ARCHIVES AND HUMAN RIGHTS

News from the Section on Archives and Human Rights

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Commentary. CORRUPTION! In Italy a corruption case against Royal Dutch Shell, Eni, several of their current and former executives and the former Nigerian Minister of Petroleum ended with their acquittal on corruption charges related to a Nigerian oil deal to secure an offshore oil prospecting license. Global Witness, the NGO which had developed the evidence for the case, urged an appeal. <https://www.bloomberg.com/news/articles/2021-03-17/eni-ceo-descalzi-is-acquitted-in-nigeria-bribery-case>;

<https://www.globalwitness.org/en/press-releases/shell-and-eni-verdict-not-final-word-scandal/> Even more troubling, two former employees of Afriland Bank “who exposed the institution’s potential involvement in a suspected global money laundering network,” were tried and given death sentences by a court in the Democratic Republic of Congo, which Global Witness says seem “to have been based on misleading or false information.” The two had “shared a trove of data and documents with the Platform for the Protection of African Whistleblowers (PPLAAF), a nongovernmental organization based in France,” said HRW which, with other NGOs, called for the sentences to be overturned. <https://www.globalwitness.org/en/press-releases/statement-global-witness-judgement-handed-down-congolese-whistleblowers-koko-lobanga-and-navy-malela-mawani-relation-their-involvement-providing-information-used-investigations-carried-out-pplaf-and-global-witness/>;

<https://www.hrw.org/news/2021/03/09/dr-congo-quash-whistleblowers-death-sentences> The International Center for Transitional Justice said corruption in Tunisia was due to “mutually reinforcing impunity”: “government officials engaged in corruption were immune to prosecution because they were able to silence those who would denounce them. At the same time, members of the regime engaging in human rights violations were immune to prosecution, because holding them accountable would threaten those profiting from corruption schemes.” <https://www.ictj.org/publication/measuring-results-and-monitoring-progress-transitional-justice-processes>

Turning to Latin America, in El Salvador the employees’ union of the Legislative Assembly denounced the existence of at least 1,000 ghost jobs in Congress. The Attorney General’s Office opened an investigation and searched the Assembly “gathering more than a thousand documents,” reported *International Crisis Watch*. <https://www.crisisgroup.org/crisiswatch#overview> In neighboring Honduras, the President’s sister “routed public funds through shell companies to pay off over 70 journalists, mostly television editors and broadcasters, for favorable coverage of the ruling National Party,” according to *Contracorriente*. <https://contracorriente.red/2021/03/07/vehiculos-sandwiches-y-periodistas-el-desfalco-de-hilda-hernandez/> A new book in Brazil, *O Organizacao*, tells the history of the Odebrecht case in which the construction company paid bribes in many Latin American countries for decades; the author called it a “tale that illustrates how influence slowly faded into corruption, which then became a central plank in the growing conglomerate’s business model.” <https://brazilresearchinitiative.org/the-organization-corruption-and-business/>

Corruption is nothing new, of course. It can infect government, business, faith-based organizations, NGOs, but government corruption is particularly pernicious. Aristotle is often quoted as writing in *Politics*, “to protect the treasury from being defrauded, let all money be issued openly in front of the whole city, and let copies of the accounts be deposited in various wards.” The United Nations Convention against Corruption, which entered into force on 14 December 2005, is the only legally binding universal anti-corruption instrument. <https://www.unodc.org/unodc/en/treaties/CAC/> 187 nations have now signed it, including all six countries mentioned in the paragraphs above. In its Corruption Perceptions Index for 2020, released in late January, Transparency International found that “from the perspective of business people and country experts” who were surveyed, more than half of the countries in the world are viewed as having a corrupt

public sector. https://images.transparencycdn.org/images/2020_CPI_FAQs_ENv2.pdf This points to the serious lack of enforcement of the Convention.

In his foreword to the Convention, then-UN Secretary General Kofi Annan wrote, “Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish.” Human rights is front and center in the need to combat corruption. And so are records. National courts prosecuting corruption rely on business and government records; for example, the massive research undertaken in Guatemala by CICIG, an international commission against impunity 2006-2019, “helped jail some 650 individuals for corruption and related crimes.” https://www.newyorker.com/news/daily-comment/biden-can-revive-latin-americas-most-successful-anti-corruption-project?utm_source=nl&utm_brand=tny&utm_mailing=TNY_Daily_030421&utm_campaign=aud-dev&utm_medium=email&bxid=5c48efcf2ddf9c4807adf975&cndid=53684912&hasha=8fcd7efd9e9d6389b9f914ad34a5948d&hashb=be86af3880f5d49a71f804266e79b70bb4fa408d&hashc=f553fa26cd5d27697a335ab74e22a11c9b48c47784712d14145ae3c0ed4aad10&esrc=bounceX&mbid=CRMNYR012019&utm_term=TNY_Daily Truth commissions sometimes include an examination of cases of corruption. The Liberian truth commission, for example, investigated economic crimes, which it found perpetuated the armed conflict, and the Timor-Leste commission not only looked at corruption and economics but also in its final report asked multinational companies who supported Indonesia during its brutal rule to fund reparation programs. Reparations, too, have focused on wealth obtained by corruption. For example, Switzerland returned to the Philippines \$627 million in assets held in Swiss bank accounts of the ex-dictator Ferdinand Marcos; the government had to agree to use the funds for reparations to victims of human rights violations. Use of records was key: “The Philippines was able to recover Marcos diaries and documents in Malacañang when the family fled Manila on February 25, 1986. Such documents revealed the existence of secret bank accounts in Switzerland.” <https://newslab.philstar.com/31-years-of-amnesia/never-convicted>

Corruption tilts the scales against the welfare of the public. It siphons money from public use and drives policies that are not in the public interest. Corruption around the supply of COVID-19 vaccines is a serious risk “that may threaten vital public health goals,” the UN Office on Drugs and Crime recently warned. https://www.unodc.org/documents/corruption/COVID-19/Policy_paper_on_COVID-19_vaccines_and_corruption_risks.pdf Good recordkeeping, sound access policies, thorough research use can weigh the scales toward anti-corruption. Records can help nations tilt towards justice.

SAHR News. The “Basic Principles on the Role of Archivists and Record Managers in Support of Human Rights” is now available in Arabic. Thanks to Adam Hidestal and the city of Malmo, Sweden, and Jamaa Baida for the translation. <https://www.ica.org/en/basic-principles-on-the-role-of-archivists-and-records-managers-in-support-of-human-rights-0>

ICA sent a letter to the International Committee of the Red Cross commenting on its draft “Guiding Principles for the Dignified Management of the Dead in Humanitarian Emergencies and to Prevent Them Becoming Missing Persons.” A copy is attached to this *News*. SAHR thanks Sarah Choy for drafting the commentary.

International news.

International Criminal Court (ICC). The Court ruled that Bosco Ntaganda owes \$30 million for collective and individual reparations to victims of his crimes in the Democratic Republic of Congo. The ICC Trust Fund for Victims is charged with “devising a plan to implement the reparations order including determining the size and nature of awards that would be feasible to provide,” *International Justice Monitor* reported. The ICC Registry, which earlier used a mapping exercise to identify victims potentially eligible for reparations payment, said 1,460 victims who participated in Ntaganda’s trial are eligible to receive reparations, and it expected around 1,100 additional victims to apply for reparations. At the end of March Ntaganda’s conviction was upheld by the ICC Appeals Chamber. For background see *SAHR News* 2020-07. <https://www.ijmonitor.org/2021/03/ntagandas-liability-for-reparations-set-at-30-million-usd/>

The Prosecutor announced that the office will open an “investigation respecting the Situation in Palestine” and released a “summary of preliminary examination findings.” For background, see *SAHR News* 2021-02. <https://www.icc-cpi.int/Pages/item.aspx?name=210303-prosecutor-statement-investigation-palestine>

The Prosecutor released a Draft Policy on Cultural Heritage, asking for comments by midnight April 16. It does not refer to archives as cultural heritage, a serious omission. <https://www.icc-cpi.int/itemsDocuments/2021-03-22-otp-draft-policy-cultural-heritage-eng.pdf>

At the end of February, the Prosecutor’s office told a Maranao Muslim peace activist from the Philippines that the ICC “will give consideration” to his letter “on reported killings last year of civilians in Afghanistan by western troops,” *inquirer.net* reported. The office also assured him that “this communication has been duly entered in the Communications Register of the Office.” <https://globalnation.inquirer.net/194076/icc-assures-marawi-muslims-of-fair-action-on-aghan-killings>

United Nations. Three UN Special Rapporteurs called on the government of Lebanon to “ensure a credible and effective investigation into the brutal killing of a prominent intellectual, Mr. Lokman Slim, and bring the perpetrators to justice.” Further, they said, the government “should consider requesting international technical assistance to investigate the killing.” For background, see *SAHR News* 2021-01 commentary. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26930&LangID=E>

Al Jazeera, quoting the *Guardian*, reported that a senior official of the Saudi government “issued a death threat against UN investigator Agnes Callamard following her inquiry into the killing of Saudi journalist Jamal Khashoggi.” After that report, a reporter asked at the 25 March UN press briefing, “Your colleagues in Geneva have confirmed the high-ranking Saudi officials did, indeed, issue a death threat against your rapporteur, Agnes Callamard. What’s the message from the Secretary General to Riyadh?” The response was, “The Secretary General’s message is very simple and very clear, that any and all such threats are unacceptable.” Subsequently Ms. Callamard was named the new executive director of Amnesty International. For background, see *HRWG News* 2019-02. <https://www.aljazeera.com/news/2021/3/23/top-saudi-official-issued-death-threat-against-un-investigator>; <https://www.un.org/press/en/2021/db210325.doc.htm>

A court in Haiti ordered a former UN peacekeeper from Uruguay to pay child support to a woman he impregnated in 2011, *The New Humanitarian* reported. A lawyer working on the case said the Haiti “child support cases against UN peacekeepers are among the first of their kind worldwide” and that the case “may help other courts around the world push such claims forward.” For background, see *HRWG News* 2017-12. <https://www.thenewhumanitarian.org/news/2021/3/12/UN-peacekeeper-ordered-to-pay-child-support-to-Haitian-mother>

The UN Environment Program (UNEP) said that globally over 3 billion people are at risk of disease because the water quality in their rivers, lakes and groundwater is unknown, due to a lack of data. UNEP researchers surveyed more than 75,000 bodies of water in 89 countries and found that more than 40% were severely polluted. <https://www.unep.org/news-and-stories/story/globally-3-billion-people-health-risk-due-scarce-data-water-quality>

The UN Statistical Commission adopted the System of Environmental Economic Accounting - Ecosystem Accounting (SEEA EA) at its meeting in March. It “constitutes an integrated and comprehensive statistical framework for organizing data about habitats and landscapes, measuring the ecosystem services, tracking changes in ecosystem assets, and linking this information to economic and other human activity.” <https://sea.un.org/ecosystem-accounting>

World Health Organization. Using 2000-2018 data “from the largest ever study of the prevalence of violence against women,” the numbers showed that in their lifetime “1 in 3 women, around 736 million, are subjected to physical or sexual violence by an intimate partner or sexual violence from a non-partner—a number that has remained largely unchanged over the past decade.” And 1 in 4 women aged 15-24 “who have been in a relationship will have already experienced violence by an intimate partner by the time they reach their mid-20s.” Those are numbers from before the pandemic, which has increased reported violence. The report urges countries to strengthen data collection and invest in “high quality surveys on violence against women” and improve “measurement of the different forms of violence experienced by women, including those who are most marginalized.” <https://www.who.int/news/item/09-03-2021-devastatingly-pervasive-1-in-3-women-globally-experience-violence>

World/general news.

Business records. In 2018 six mining companies settled a class-action suit in South Africa on behalf of gold miners who contracted the incurable lung disease silicosis. A trust was established, with an initial fund of 5-billion rand. The trust's director told *Daily Maverick* that "as of 28 February 2,402 claims have been lodged and 408 medical examinations have been conducted on applying claimants." About 650,000 miners worked for the companies "over the period of time covered." For background, see *HRWG News* 2018-05. <https://www.dailymaverick.co.za/article/2021-03-02-long-and-winding-road-claims-process-in-sa-silicosis-settlement-now-under-way/amp/>

The French supermarket giant Casino was sued in France by a coalition of NGOs and indigenous peoples from Brazil and Colombia over its sale of beef linked to illegal deforestation of the Amazon, *RFI* reported. The suit was brought under France's 2017 "duty of vigilance laws" regarding human rights and environmental abuses in supply chains. It follows a report released by NGO Envol Vert in June 2020, based heavily on government statistics from the two countries. https://www.rfi.fr/en/business/20210304-french-supermarket-giant-casino-sued-over-links-to-amazon-deforestation-south-america-environment-indigenous-people-economy;_for_the_report_https://envol-vert.org/wp-content/uploads/2020/06/Rapport-Casino%C3%A9coresponsable-de-la-d%C3%A9forestation.pdf

A U.S. man sued the Hertz rental car company because "it failed to produce a receipt that would have proved his innocence" of a 2011 murder he was convicted of in 2016. In 2018 Hertz produced the receipt and the charges against the man were dropped in 2020. A Hertz spokeswoman said, "While we were unable to find the historic rental record from 2011 when it was requested in 2015, we continued our good faith efforts to locate it. With advances in data search in the years following, we were able to locate the rental records in 2018 and promptly provided it." <https://newsweek365.com/2021/03/11/man-sues-hertz-over-lost-receipt-that-was-his-murder-alibi/>

Syngenta, the Swiss chemical company, makes a weedkiller called paraquat (Gramoxone) which is known to be highly toxic to people as well as weeds. The *Guardian* reviewed internal company documents that had been obtained by a U.S. law firm suing Syngenta that show that as far back as 1968 "Syngenta and its predecessor corporate entities rejected or resisted many different options for changes to the formulations of Gramoxone, due, at least in part, to a desire to protect profits." <https://www.theguardian.com/environment/2021/mar/24/syngenta-paraquat-deadly-john-heytings>

A French court fined the pharmaceutical firm Servier 2.7 million euros "after finding it guilty of deception and manslaughter over a pill linked to the deaths of up to 2,000 people," the *Guardian* reported. In 2007 Irene Frachon, a lung specialist at a Brittany hospital, "assessed patients' records and warned of a link between the drug and serious heart and pulmonary damages." The trial began in 2019; the magistrates accused Servier of having "knowingly concealed the medication's true characteristics" from the 1970s onward and had "hidden medical studies unfavourable to the product." <https://www.theguardian.com/world/2021/mar/29/french-pharma-firm-found-guilty-over-medical-scandal-in-which-up-to-2000-died>

Climate change. The 1982 UN Convention on the Law of the Sea established state rights to a 200-nautical mile exclusive economic zone (EEZ) stretching from their shores. But what happens when sea level rise changes the shore line and submerges islands that are part of the country? Small Pacific island nations "are mapping their remote islands . . . in a bid to claim permanent" EEZs irrespective of future sea level rise," reported *Thomson Reuters Foundation*. Preserve those maps. <https://news.trust.org/item/20210310235713-ebsc7/>

The International Federation of Red Cross and Red Crescent Societies issued a report saying that "12.6 million people have been internally displaced around the world in the last six months mainly due to climate and weather-related disasters, according to data available through the Internal Displacement Monitoring Centre." <https://media.ifrc.org/ifrc/press-release/new-report-alarming-levels-climate-related-displacement/>

Researchers from Lancaster University (U.K.) and FIOCRUZ health institute (Brazil) compared Amazonas state records of "nearly 300,000 births over 11 years with local weather data and found babies born after extreme rainfall were more likely to have low birth weights, which is linked to worse educational, health and even income attainment as adults," *Thomson Reuters Foundation* reported.

“Severe flooding on the Amazon river is five times more common than just a decade ago;” the paper’s co-author said, “It’s an example of climate injustice.” <https://news.trust.org/item/20210301182344-3pm9p/>

Environment. In February 2020 nine girls filed an injunction against Ecuador’s Ministry of Energy and Non-Renewable Natural Resources and the Ministry of Environment and Water, arguing that the flaring (burning) of natural gas during oil extraction “had negatively impacted the health of residents, contaminating the rainwater that was their only source of clean water,” *Mongabay* reported. Two NGOs “spent two years compiling records of cancer cases in Sucumbios and Orellana [provinces]. They documented 251 such cases, with women accounting for 71% of them.” Flares have been burning since Chevron-Texaco drilled the area’s first commercial well in 1967; currently at least 447 flares are lit. In late January the Sucumbios Provincial Court ruled “that the Ecuadoran state had ignored the rights of nine girls to live in a healthy environment,” that the government “violated their rights to good health” by not requiring industry to use “clean technologies that would avoid contamination,” and ordered that the flares be shut down. <https://news.mongabay.com/2021/03/ecuador-court-orders-end-to-gas-flaring-by-oil-industry-in-amazon/>

A “mass of historical documents from the 1960s onwards from corporate archives at libraries in the U.S. and Canada, scientific journals and paperwork released in legal cases shows the oil industry began to grasp the damage to health caused by the burning of fossil fuels” even while they were “aggressively lobbying against clean air regulations” the *Guardian* reported. A researcher from Harvard University said that there are now “more than 60 studies from around the world that associate air pollution with poor Covid outcomes.” https://www.theguardian.com/environment/2021/mar/18/oil-industry-fossil-fuels-air-pollution-documents?mbid=&utm_source=nl&utm_brand=tny&utm_mailing=TNY_Climate_032421&utm_campaign=aud-dev&utm_medium=email&bxid=5c48efcf2ddf9c4807adf975&cndid=53684912&hasha=8fcd7efd9e9d6389b9f914ad34a5948d&hashb=be86af3880f5d49a71f804266e79b70bb4fa408d&hashc=f553fa26cd5d27697a335ab74e22a11c9b48c47784712d14145ae3c0ed4aad10&esrc=&utm_term=TNY_ClimateCrisis

Gender discrimination. A law firm analyzed 48 cases of gender discrimination against employees in Canada, China, Colombia, South Africa, the U.K. and U.S. and found that instead of using “traditional employment law to raise discrimination claims within an employment context,” litigants are now using human rights legislation and “tortious mechanisms.” Summaries of the 48 cases are included in a report by NGO A4ID. http://www.a4id.org/student_blog/gender-discrimination-at-work/

Medical records. “Up until 2015, most digital health records only allowed physicians to enter a patient’s sex” as male, female, or other, *STAT* reported. In order to treat trans and gender diverse patients—until the recorded information reflects those categories—researchers are using artificial intelligence strategies, such as “searching for records that had at least one of their qualifying billing codes—say, for gender identity disorder—and at least one of their qualifying keywords.” A family nurse practitioner called the search “really frustrating. I have to figure out all these hacks and tips and tricks so my patients can exist safely and happily.” https://www.statnews.com/2021/03/30/data-gaps-trans-populations-researchers-health-records-answers/?utm_source=STAT+Newsletters&utm_campaign=441bd53af0-MR_COPY_14&utm_medium=email&utm_term=0_8cab1d7961-441bd53af0-149736437

A research team looked at the number of racial minority patients enrolled in global clinical trials for cancer drugs that were approved by the U.S. Food and Drug Administration between 2015 and 2018. Using the data from 49 global trials with “race data available,” they found that only 2.5% of participants were identified as Black, *ACS Journal* reported. And, they wrote, 21 cancer trials conducted primarily outside the United States “were 2-fold less likely to enrol Black participants than U.S. clinical trials. Thus, the globalization of cancer clinical trials may have the unintended consequence of further exacerbating existing racial disparities in cancer clinical trial representation and ultimately the generalizability of trial results.” <https://acsjournals.onlinelibrary.wiley.com/doi/abs/10.1002/cncr.33463>

In an essay in *Nature Medicine* arguing for reform of the humanitarian responses stimulated by COVID, a doctor at the Johns Hopkins University (U.S.) wrote, “There must be a commitment to share data, in a confidential and secure manner, among United Nations agencies, NGOs and academic institutions to allow increased understanding of diverse humanitarian contexts. Poor data quality and lack of sharing have imperiled our understanding of the effects of the pandemic in most humanitarian contexts and have consequently limited our planning and response.” <https://www.nature.com/articles/s41591-021-01249-1>

“Pooling data from 40 studies across 17 countries,” researchers writing in *Lancet Global Health* said they found “rates of stillbirth and maternal deaths rose by around a third during the COVID-19 pandemic, with pregnancy outcomes getting worse overall for both babies and mothers worldwide.” According to *Reuters*, of the 10 studies that reported on maternal mental health, six found an increase in postnatal depression, maternal anxiety, or both. <https://news.trust.org/item/20210331212547-t759e/>

Two U.S. universities, Johns Hopkins and the University of California, San Francisco, launched “an online archive to store documents generated by the many lawsuits filed against drug companies for their role in creating the unprecedented societal crisis” of opioid addiction, *STAT* reported. It will store copies of records from state and federal courts on a website called Drug Industry Documents. https://www.statnews.com/pharmalot/2021/03/24/opioids-lawsuits-archives-purdue-documents/?utm_source=STAT+Newsletters&utm_campaign=a6b79dd9f4-MR_COPY_14&utm_medium=email&utm_term=0_8cab1d7961-a6b79dd9f4-149736437

Migration. Using records from the U.S. Department of Justice obtained through the Freedom of Information Act, the Transactional Records Access Clearinghouse at Syracuse University (U.S.) showed that of the 71,036 asylum applications filed from January 2019 to January 2021 under the “Remain in Mexico” program (suspended as of 20 January 2021), the U.S. processed 41,888 cases and just 641 were granted asylum. By contrast, in 2017 40% of asylum claims were granted. https://theconversation.com/biden-ends-policy-forcing-asylum-seekers-to-remain-in-mexico-but-for-41-247-migrants-its-too-late-156622?utm_medium=email&utm_campaign=Daily%20Newsletter%20%20March%2010%202021%20-%201885618406&utm_content=Daily%20Newsletter%20%20March%2010%202021%20-%201885618406+CID_a295088c745989b5023a5893b5f7d074&utm_source=campaign_monitor_us&utm_term=Biden%20ends%20policy%20forcing%20asylum-seekers%20to%20remain%20in%20Mexico%20%20but%20for%2041247%20migrants%20its%20too%20late

Privacy. “Leaders of the American Geographical Society and Britain’s mapping agency, the Ordnance Survey, want companies to commit to 10 principles, including minimizing data collection and actively seeking consent from users” for ethical uses of location data, *WIRED* reported. The chair of AGS said the pandemic “highlighted the dual nature of location data. Governments could use location data to prevent outbreaks by notifying people of potential exposures. But this risked creating a state-run ledger of everyone’s location, where they went, and with whom.” https://www.wired.com/story/groups-call-ethical-guidelines-location-tracking-tech/?bxid=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_032521&utm_medium=email&utm_source=nl&utm_term=list2_p4

Delivery drivers for Amazon in the U.S. must sign a “biometric consent” form to allow the use of artificial information-powered cameras in the vehicle “to access drivers’ location, movement and biometric data,” *VICE News* reported. The company says that in a pilot program, using the cameras decreased accidents by 48%; the consent form says the signer allows the company to take the driver’s photograph and “collect, store and use Biometric Information from such photographs,” raising privacy concerns over the future use of the data. https://www.vice.com/en/article/dy8n3j/amazon-delivery-drivers-forced-to-sign-biometric-consent-form-or-lose-job?utm_source=email&utm_medium=editorial&utm_content=news&utm_campaign=210323

Technology. Two NGOs, Access Now and the #KeepItOn coalition, “documented at least 155 internet shutdowns in 29 countries in 2020, cutting off “hundreds of millions . . . in the COVID-19 pandemic, losing access to life-saving health information, education, and work opportunities.” India imposed the highest number of shutdowns, and Myanmar imposed “one of the world’s longest recorded shutdowns in Rakhine and Chin states.” The “majority of our data is sourced from news and media outlets.” <https://www.accessnow.org/keepiton-report-a-year-in-the-fight/>

The African Digital Rights Network, an NGO, published “the first comparative study on the digital rights landscapes” in ten countries, documenting “115 examples of technologies, tactics and techniques used between 2000 and 2020 to close ‘civic space’ online.” During the same period, the researchers found only 65 examples of opening civic space. “In each country, it is typically the national government taking action to close civic space and diminish digital rights with the five most common ways being through digital surveillance; disinformation; internet shutdowns; introduction of law reducing rights; and arrests for online speech.” <https://www.ids.ac.uk/news/twice-as-many-technologies-tactics-and-techniques-used-to-close-than-open-digital-space-in-ten-african-countries/>

AFP reported on YouTube's deletion of "hundreds of thousands of videos uploaded by Syrian activists since it introduced automated software in 2017 to detect and delete objectionable content." According to the NGO Syrian Archive, which "has helped restore more than 650,000 YouTube videos removed since 2017," almost a quarter of the Syrian Archive's collection is no longer available on YouTube. <https://www.trtworld.com/life/activists-accuse-youtube-of-destroying-digital-evidence-of-syria-war-44809>

Twitter announced that it closed "Saudi-based Twitter accounts using fake profile pictures, repetitive wording and spammy tactics" seeking to "undermine the conclusion by U.S. intelligence officials . . . that Crown Prince Mohammed bin Salman 'approved' the operation that led to the killing" of Jamal Khashoggi, the *Washington Post* reported. <https://bahametimes.com/how-twitter-was-used-to-defend-saudi-crown-prince-role-in-khashoggi-case>

The *Guardian* obtained a leaked copy of Facebook's internal guidelines for its content moderators. The 300-page document from December 2020 had not been public because Facebook argued "that to publish the full document would be counterproductive since it would let malicious users avoid a ban for deliberately borderline behavior." <https://www.theguardian.com/technology/2021/mar/23/decoding-emojis-and-defining-support-facebooks-rules-for-content-revealed>

World War II. France's Minister of Culture, Roselyne Bachelot, announced that "France will return the only painting by Gustav Klimt in its national collection to the heirs of Nora Stiasny, a Jewish woman who sold it under duress after the Nazis annexed Austria." Calling it "the completion of an act of justice," she said that it was only in recent years that French and Austrian researchers and historians had been able to retrace the painting's full journey, a process that was "particularly arduous because of the destruction of most proof and the erosion of family memories." The French government will have to pass a bill to allow the painting to be released from the national collection, explained the *New York Times*. <https://www.nytimes.com/2021/03/15/arts/design/france-klimt-painting-restitution.html>

The drawings in the *Pernkopf Atlas of Topographical and Applied Human Anatomy*, published in 1940, have a "tainted, gruesome history: Many of the drawings were based in part of the bodies of people executed by the Nazis, and the Viennese medical illustrators were Nazis themselves," *STAT* wrote. Over time more than 500 of the original 925 illustrations have disappeared, but Elsevier, the publisher who had the rest, has now donated the extant drawings to the Medical University of Vienna. https://www.statnews.com/2021/03/16/long-sought-donation-punctuates-saga-over-usage-of-nazi-anatomical-drawings/?utm_source=STAT+Newsletters&utm_campaign=97899f5f11-MR_COPY_14&utm_medium=email&utm_term=0_8cab1d7961-97899f5f11-149736437

Historians, archivists and technical specialists from the Auschwitz-Birkenau State Museum and the Arolsen Archives "searched through over 160,000 documents concerning the fate of around 30,000 men and women" held in the Nazi concentration camp to "uncover the previously unknown identities of prisoners," reported *Mailonline*. <https://www.dailymail.co.uk/news/article-9347481/Researchers-uncover-previously-unknown-identities-prisoners-Auschwitz.html>

Bilateral and multilateral news.

Algeria/France. France announced a change in its procedure for declassifying government records through 1970, which includes the Algerian war period, permitting archivists to declassify archives by the box rather than document by document. However, *RFI* pointed out, "Even once the files are technically declassified, they can still be meticulously checked page by page for sensitive military secrets before being handed over, meaning French authorities will still control which documents end up being in the public domain." Reaction was immediate: French historians were sceptical that the changes to declassification would significantly enhance access; Algerian historians demanded access to Algeria's archives; Algeria's national archivist Abdelmadjid Cheikhi "welcomed the decision," according to *Anadolu Agency*. In a separate action French President Emmanuel Macron acknowledged that French forces "tortured and murdered" leading Algerian independence fighter Ali Boumendjel in 1957. <https://www.rfi.fr/en/france/20210310-france-speeds-up-access-to-secret-algeria-war-archives-emmanuel-macron-classified-files> ; <https://www.aa.com.tr/en/africa/french-move-to-declassify-archive-draws-mixed-reactions-in-algeria/2181218>; https://www.tellerreport.com/news/2021-03-27-algerian-historians-demand-access-to-war-archives-in-algeria.rvVAX6A24_.htm; <https://www.middleeastmonitor.com/20210302-french-senator-calls-for-quid-pro-quo-for-algerian-access-to-national-archive/>

Armenia/Azerbaijan. Human Rights Watch (HRW) documented “three unlawful attacks on medical facilities by Azerbaijani forces during the six-week armed conflict in Nagorno-Karabakh.” HRW said that with “on-site observations, analysis of videos, most of which were on social media, and satellite imagery,” they were able to identify “legitimate military targets” that were close to the hospitals that were attacked; by locating military elements next to medical facilities “Nagorno-Karabakh and Armenian authorities endangered civilians and put medical workers and their patients at risk.” <https://www.hrw.org/news/2021/02/26/unlawful-attacks-medical-facilities-and-personnel-nagorno-karabakh#>

Balkan wars. The European Parliament adopted reports “urging Serbia and Kosovo to be more efficient in investigating the remaining missing persons cases from the 1998-99 Kosovo war,” *BIRN* reported. The report on Kosovo asks for “the opening of all wartime archives,” and Syria, Kosovo, and North Macedonia reports “urge political leaders to support the creation of RECOM, a commission to establish the facts about all the war crimes and other human rights violations committed in the region.” <https://balkaninsight.com/2021/03/26/european-mps-urge-serbia-kosovo-to-intensify-war-grave-search/>

Dominican Republic/Haiti. In 2013 the Dominican Republic declared that children born of illegal immigrants were not citizens; this targeted Haitian workers who lived in the country. These Haitians were not given state identification documents; now, with the pandemic, the Dominican Republic announced that it will not give free vaccinations to “irregular immigrants.” As *EFE* summed up the situation: “Without papers, without rights, without a vaccine.” For background, see *HRWG News* 2013-09, 2015-07. Thanks to Antonio Gonzalez Quintana for the link. <https://www.efe.com/efe/america/sociedad/excluidos-de-las-vacunas-los-haitianos-sufren-un-nuevo-estigma-en-republica-dominicana/2000013-4485548>

Eritrea/Ethiopia. The independent Ethiopian Human Rights Commission said information collected during a preliminary investigation confirmed that on November 28 and 29 “grave violations of human rights were committed” in Axum, Tigray region, and that over one hundred of its residents were killed by Eritrean soldiers, echoing findings by Amnesty International and Human Rights Watch, *Al Jazeera* reported. The Commission and the United Nations High Commissioner for Human Rights announced an agreement “to conduct a joint investigation into the human rights violations and abuses allegedly committed by all parties in the context of the Tigray conflict.” <https://www.aljazeera.com/news/2021/3/24/eritrean-troops-killed-over-100-civilians-in-tigray-rights-group>; <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26949&LangID=E>

The Physical Geography Research Group, Ghent University, created a series of maps of the conflict that are outstanding resources. The researchers found “well-documented cases” of 1942 deaths, with reports ranging up to 7,259 deaths as of 28 March, and 151 massacres. https://www.researchgate.net/publication/349824181_Tigray_Atlas_of_the_humanitarian_situation

France/Syria. Three NGOs—the Syrian Archive (based in Germany), the Syrian Center for Media and Freedom of Expression (France) and the Open Society Justice Initiative (U.S.)—filed a complaint with the special war crimes unit in France’s Palace of Justice, asking for a criminal investigation of Syrian President Bashar al-Assad, his brother Maher and “a litany of senior advisers and military officials who formed the chain of command” for authorizing the use of chemical weapons in August 2013 against the populations of Douma and Eastern Ghouta, killing more than 1400 people, reported the *New York Times*. The complaint “makes ample use of evidence from the Syria Archive, which has stored more than three million videos sent by activists from Syria. It also draws on data from the Global Public Policy Institute” in Berlin, which said it had “verified 349 [chemical] attacks in the recent decade.” <https://www.nytimes.com/2021/02/world/europe/syria-chemical-weapons-assad.html>

Gambia/Germany. Germany arrested Bai Lowe, a former member of Gambia’s death squad known as the Junglers, for suspected crimes against humanity, Human Rights Watch reported. Among the evidence: former members of the Junglers told Gambia’s Truth, Reconciliation and Reparations Commission that Lowe “allegedly participated in the murder of 59 West African migrants in 2005” and Lowe “himself described in a 2016 radio interview his participation in the migrants case, the execution of former intelligence chief Daba Marenah and four associates in April 2006, the [journalist Dayda] Hydrara killing and the [lawyer Osman] Sillah shooting.” See Gambia below for more on the migrants case. <https://www.hrw.org/news/2021/03/17/gambia-alleged-death-squad-member-arrested-germany>

Germany/Saudi Arabia. Reporters without Borders, an NGO, filed a 500-page complaint at the federal court of justice in Karlsruhe, Germany, asking the prosecutor to open a “situation analysis” of whether Saudi Arabian officials, including crown prince Mohammed bin Salman, “have committed crimes against humanity by targeting reporters,” arbitrarily detaining 34 journalists, and killing Jamal Khashoggi, the *Guardian* reported.
https://search.aol.com/click/?_ylt=A0geK.FNuz9gHfAAJU1pCWVH;_ylu=Y29sbwNiZjEEcG9zAzUEdnRpZAMEc2VjA3Ny/RV=2/RE=1614818253/RO=10/RU=https%3a%2f%2fwww.theguardian.com%2fworld%2f2021%2fmar%2f02%2fcriminal-complaint-filed-against-mohammed-bin-salman-in-german-court/RK=0/RS=MrbrPkVr4.flyOLN5.ocwq1DSpl-

Haiti/United States. *BuzzFeed News* obtained documents from the U.S. Department of Homeland Security and the Customs and Immigration Service that said Haitians deported to their home country “may face harm” from the “violent crime and the political instability there,” yet U.S. government data show “more than 900 Haitians” were flown back “in the first part of February alone.”
<https://www.buzzfeednews.com/article/hamedaleaziz/us-deporting-haitian-immigrants-despite-dangers?emci=ebd91182-ec7c-eb11-85aa-00155d43c992&emdi=38eab29f-ef7c-eb11-85aa-00155d43c992&ceid=4606001>

Laos/United States. The *New York Times* published a long article on the NGO in Laos called the War Legacies Project that is trying “to document the long-term effects of the defoliant known as Agent Orange and provide humanitarian aid to its victims.” Agent Orange is a herbicide that was used by the U.S. military during the war in southeast Asia in the 1960s and early 1970s; it caused disabilities and birth defects among people exposed to it. Although the U.S. has acknowledged the damage Agent Orange caused in Vietnam and has provided aid to victims and help in cleaning up contamination, it has not done so for Laos. The War Legacies Project has documented 517 cases of disabilities and birth defects in four Laotian villages on the border with Vietnam. The *Times* made “an in-depth, months-long review of old Air Force records, including details of hundreds of spraying flights, as well as interviews with many residents of villages” and reached “a conservative estimate” that “at least 600,000 gallons of herbicides rained down on the ostensibly neutral nation during the war.” <https://pulitzercenter.org/stories/victims-agent-orange-us-has-never-acknowledged>

Lebanon/Syria. Amnesty International examined the treatment of Syrian refugees at the hands of the Lebanese security forces, identifying “arbitrary detention, torture and unfair trial.” The researchers interviewed 24 refugees “currently or formerly detained in Lebanon on terrorism-related charges” and “reviewed legal files of 16 of the 26 interviewed. Documents included interrogation reports, defendants’ objections, subpoenas, verdicts and appeals, as well as a medical report. Files were often incomplete.” These were files held by the refugees; the other ten interviewees said they had not kept any legal paperwork. Lebanon’s prosecutor asked the Military Court to investigate.
https://www.amnesty.org/en/latest/news/2021/03/lebanon-torture-of-syrian-refugees-arbitrarily-detained-on-counter-terrorism-charges/?utm_source=SJAC+Weekly+Update&utm_campaign=ae2fa43aa5-EMAIL_CAMPAIGN_2019_01_10_02_56_COPY_01&utm_medium=email&utm_term=0_0a7405c641-ae2fa43aa5-96428969;
<https://en.royanews.tv/news/26597/2021-03-29>

Mideast wars. The UN Commission of Inquiry on the Syrian Arab Republic issued a report “based on over 2,658 interviews conducted over 10 years and investigations into more than 100 specific detention facilities, documents historical and continuing detention-related violations and abuses by nearly every major party that has controlled territory in Syria since 2011.” The Commission found that the “government of Syria arbitrarily arrested and detained individuals and committed war crimes and crimes against humanity in the context of detention;” armed militant groups “have all unlawfully and arbitrarily deprived individuals of their liberty” inside Syria and have committed war crimes; and that the Islamic State (ISIL) and Hay’at Tahrir al-Sham “engaged in crimes against humanity connected with the deprivation of liberty while ISIL carried out a genocide, in part through detention.”
<https://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Detention-report.aspx>

UNICEF reported that 12,000 children have been killed or wounded during Syria’s 10-year war, *AP* reported. Furthermore, in 2020 “one in four children have signs of psychosocial distress,” double the number in 2019. <https://apnews.com/article/syria-coronavirus-pandemic-financial-markets-united-nations-financial-crisis-109abf0d4b898b1a2d035c8fd5a2637f>

On International Women’s Day, March 8, the NGO Syrian Network for Human Rights (SNHR) issued a report saying its database shows that at least 16,104 adult women have died during the conflict, “that

nearly 9,264 women in Syria are still arrested/forcibly disappeared, and that women have been targeted due to their work, noting that at least 67 incidents of women being targeted due to their work have been documented in northwest and northeast of Syria between March 2020 and March 2021.” All parties to the conflict “have committed egregious violations.” <https://sn4hr.org/blog/2021/03/08/56012/>

SNHR also issued a report on the targeting of medical facilities and personnel during the conflict, with “at least 3,364 health care personnel . . . still arrested/forcibly disappeared, 98% by the Syrian regime” and the regime also responsible “for 96% of the death toll due to torture among health care sector personnel.” The report “includes data analysis based on the SNHR’s database of detainees, forcibly disappeared persons, and torture, with this evidence amassed as a result of the daily monitoring and documentation carried out continuously since 2011.” <https://sn4hr.org/blog/2021/02/27/55962/>

National news.

Albania. The International Commission on Missing Persons (ICMP) issued a report complaining that “Albanian prosecutors are still not issuing orders to exhume suspected mass grave sites where people who went missing during the Communist era could be buried,” *BIRN* reported. ICMP said, “According to official data, 5,501 persons convicted for political reasons were executed during this period. Their bodies were never recovered,” adding, “official data also indicates that an additional 987 political prisoners died from various causes in prisons and detention centres in Albania. The whereabouts of their mortal remains is unknown to the surviving relatives.” <https://balkaninsight.com/2021/03/02/albanias-search-for-communist-era-missing-persons-stalled/>

Argentina. The Inter-American Commission on Human Rights referred to the Inter-American Court of Human Rights a case on the responsibility of the state of Argentina in “relation to the terrorist attack perpetrated against the headquarters of the Asociacion Mutual Israelita Argentina (AMIA) on July 18, 1994, in Buenos Aires, which resulted in the death of 85 people and serious injuries to at least 151 others.” The case was brought by the victims and relatives of the victims of the attack who, said the Commission, had their right to access information violated since Argentina “kept out of . . . reach the documentation classified as secret by the intelligence agencies that participated in the investigations based on the regulations in force.” The Commission also “observed that the deficient or non-existent preservation of said collections for long period of time seriously compromises the international responsibility of the state” and concluded that “the Argentine State has not complied to date with its obligation to guarantee the petitioners access to the State archives where such information is stored.” It recommended both access to and preservation of the information related to the case for judges, prosecutors, and victims “even if the information is subject to any type of reserve or state secret.” http://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/075.asp

Brazil. In 2020 companies filed 143 requests to mine, said the National Mining Agency, of which 71 were for territories where isolated Indigenous tribes lived, according to data from Funai, the federal agency for Indigenous affairs. “Mining on demarcated Indigenous lands is prohibited under Brazil’s Constitution,” *Mongabay* explained. Amazonia Minada project, an initiative of *InfoAmazonia*, cross-references the location of mining applications against demarcated Indigenous territories in the Amazon, and as of 29 January 2021 had found “at least 1,265 requests for prospecting or mining activities” within 26 Indigenous territories in the Amazon. Isolated groups “are highly vulnerable to any disease brought from outside,” making these activities an existential danger. <https://news.mongabay.com/2021/03/brazils-isolated-tribes-in-the-crosshairs-of-miners-targeting-indigenous-lands/>

Burundi. The Truth and Reconciliation Commission published a summary of its 2020 report on the 1972 massacres “which mainly targeted Hutus,” *justiceinfo.net* reported. It said “lists of people to be massacred were found in the archives of the district of Bukirasazi (province of Gitega) and at the communal office of Buhiga (Karusi province).” The lists were drawn up “by the intelligence services, activists of the ruling Uprona party, administrative officials,” and, chillingly, “in schools in the south, it is often Tutsi students who drew up the lists of their Hutu comrades.” Various NGOs and activists were critical of the focus of the report; the Forum for the Strengthening of Civil Society said the Commission should have “opened the archives of certain administrations and diversified the sources” instead of “relying almost exclusively”

on testimonies. https://www.justiceinfo.net/fr/74509-commission-verite-burundi-rapport-discorde.html?mc_cid=7145819c40&mc_eid=fedeacd0ff

Canada. The National Centre for Truth and Reconciliation is embarking on a nearly \$2.5 million project to create metadata linking its holdings on the operations and people of the Residential School System. <https://news.umanitoba.ca/nctr-reimagines-what-its-archives-can-be-do/>

Central African Republic. Amnesty International said that “by compiling together first hand testimony and the analysis and verification of satellite imagery, video and photographs” it confirmed “that many civilians have been killed in several towns including Bambari, in the centre of the country, and Bangui, the capital.” <https://www.amnesty.org.uk/press-releases/central-african-republic-amnesty-investigation-reveals-full-horror-conflict-and>

Chile. The Chilean Network Against Violence Against Women (NGO) said it recorded 58 femicides in 2020 and that 73% of the cases of femicide recorded between 2010 and 2019 (486 of 579) “remained unpunished.” The country’s Homosexual Integration and Liberation Movement (NGO) said “1,266 abuse cases against the LGBTI community were reported in 2020,” calling the government “weak” and “indifferent” in the face of the attacks, *teleSUR* reported. https://www.telesurenglish.net/news/Chile-Only-27-of-Femicide-Cases-Got-a-Sentence-20210309-0010.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=8; https://www.telesurenglish.net/news/Chile-Aggressions-on-LGTBI-People-Climb-To-Record-Numbers-20210318-0011.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=8

China. The NGO Newlines Institute for Strategy and Policy in cooperation with the Raoul Wallenberg Centre for Human Rights issued the “first independent expert application of the 1948 Genocide Convention to the ongoing treatment of the Uyghurs in China.” For the report “dozens of experts in international law, genocide studies, Chinese ethnic policies, and the region were invited to examine pro-bono all available evidence that could be collected and verified from public Chinese State communications, leaked Chinese state communications, eye-witness testimony, and open-source research methods such as public satellite-image analysis, analysis of information circulating on the Chinese internet, and any other available source.” It placed first-hand victim accounts into the Xinjiang Victims Database. The conclusion: “the People’s Republic of China bears State responsibility for committing genocide against the Uyghurs.” <https://newlinesinstitute.org/uyghurs/the-uyghur-genocide-an-examination-of-chinas-breaches-of-the-1948-genocide-convention/>

Colombia. The International Committee of the Red Cross said in 2020 it recorded “higher cases of disappearances, killings, and sexual attacks, as well as a rise in the number of people being killed or injured by explosive devices,” *Al Jazeera* reported. Sadly, since 2016 there were “571 new cases of people missing because of the armed conflict—an average of one missing person every three days.” <https://www.aljazeera.com/news/2021/3/24/report-2020-saw-more-violence-and-abuses-in-colombia?emci=ff5b29ae-7b8d-eb11-85aa-00155d43c992&emdi=ca86d34c-7d8d-eb11-85aa-00155d43c992&ceid=4606001>

Egypt. Human Rights Watch said in the Sinai “between late 2013 and July 2020, the army destroyed at least 12,350 buildings, mostly homes, most recently in the al-Arish area. The army has also razed, ruined, and closed off approximately 6,000 hectares of farmland, mostly since mid-2016,” citing the need for security. “Thousands of these evictions and demolitions appear to violate the laws of war.” The analysis used “a time series of dozens of high-resolution commercial satellite images” along with witness testimonies, official and “quasi-official statements and media reports,” and the Sinai Foundation for Human Rights shared with HRW “a leaked official database that includes a list of 10,468 families” that were displaced. <https://www.hrw.org/news/2021/03/17/egypt-massive-sinai-demolitions-likely-war-crimes>

France. The Independent Commission on Sexual Abuse in the Church issued a preliminary report. It has received “more than 6,500 testimonies from victims and witnesses on incidents alleged to have happened in the past seven decades,” reported the *Washington Post*. The Commission is undertaking to “survey the general population” to estimate the number of cases; the “final tally” will also be “based on public health data and documents from church archives.” https://www.washingtonpost.com/world/europe/catholic-church-abuse-france/2021/03/02/0641a868-7b62-11eb-8c5e-32e47b42b51b_story.html

Gambia. On 22 July 2005 more than 50 migrants arrived at the coastal town of Barra, were transported by boat to the capital, and murdered. Although “the registration of the names of migrants at the Barra

police station and the Gambian Navy has never been found,” *justiceinfo.net* reported, the then-director of operations at the National Intelligence Agency privately kept “a register of the names of migrants that he drew up at the police station.” On 25 February he read his list of names of the migrants and their nationalities (eight African countries) at a hearing of Gambia’s truth commission. Reed Brody, a lawyer for HRW, said he thinks the list is incomplete but provides the possibility “that we can find their family members and end the plight of people who have no idea how their loved ones perished.” https://www.justiceinfo.net/fr/74414-gambie-jammeh-ordonne-massacre-migrants.html?mc_cid=7145819c40&mc_eid=fedeacd0ff

Ireland. “Since 2018, child and family agency Tusla and the Adoption Authority of Ireland have examined 1,496 [adoption] records from more than 30 agencies, under the oversight of an independent reviewer,” *RTE* reported. The researchers found indications of suspicious registration on 267 records or nearly 18% of the sample. Given that “the potential for illegality cannot be dismissed in these cases,” the review recommended that “all adoption records be brought together and preserved by the State. The State and its agencies ensure that birth records are corrected, wherever possible, and that amended birth certificates are made available to those requesting them;” “procedures be established to enable those whose birth records or registrations are illegal or incorrect to access their records, as a matter of priority, to acquire any information which might enable them to have their birth certificates corrected;” and called for “amendment and enactment of the Adoption (Information and Tracing) Bill 2016, to provide adopted persons, and those affected by illegal or incorrect birth registration with the right to access information relating to their births.” Professional archivists should be involved in any effort to bring together these critical records. <https://www.rte.ie/news/2021/0309/1202904-adoption-files/>

Israel. An historian researching the 1957 assassination of Rudolf Kastztner, a “journalist, senior official at the Trade and Industry Ministry and member of Mapai, the forerunner of today’s Labor Party,” filed a petition at the High Court to force the release of Shin Bet’s file on the case, *Haaretz* reported. Shin Bet, Israel’s Security Agency, refused to declassify its file on the murder because it might contain “details such as modes of operation of the service, tasks of the service, details on information sources of the service and intelligence target [informants] whose disclosure might harm state security even today.” Kasztner, a Hungarian, rescued Jews from the Nazis; in 1958, after he was killed, judges exonerated Kasztner “of the grim charge of collaborating with the Nazis” but said he gave false testimony on behalf of four Nazis after the war. Thanks to Henry Mayer for the link. <https://www.haaretz.com/israel-news/premium-what-is-israel-hiding-on-murder-of-israeli-suspected-of-nazi-collaboration-1.9635171>

Japan. The Sapporo District Court ruled that “not allowing same-sex couples to get married is unconstitutional,” *Reuters* reported. The court said, “It is discriminatory treatment . . . that they cannot receive even some of the legal benefits that heterosexuals do.” Presently same-sex couples can only obtain “partnership certificates issued by individual municipalities” that help the couple rent an apartment or visit a partner in the hospital. <https://news.trust.org/item/20210317022351-81klc/>

Mexico. Allende, a town in the state of Coahuila, was the site of a 20 March 2011 massacre of as many as 300 people by the Los Zetas gang. The National Security Archive, a U.S. NGO, used a “special provision of Mexico’s access law requiring the release of information relating to human rights violations” to obtain the 4,000-page dossier of investigative records “that prosecutors in the state of Coahuila only began to compile almost three years after the fact” and published excerpts from it. Mexico’s National Commission on Human Rights posted the full declassified volumes on its website. <https://nsarchive.gwu.edu/briefing-book/mexico/2021-03-18/allende-massacre-decade-impunity?eType=EmailBlastContent&eId=0055fa8e-b589-4c4a-8d18-220ba1148f41>

In an eerie echo of the George Floyd death in the U.S., “social media users posted videos . . . in which a female [police] officer knelt on Victoria Salazar’s back while she was being arrested” and she died. Four police officers have been charged with femicide after the killing, reported the *Guardian*. <https://www.theguardian.com/world/2021/mar/29/victoria-salazar-mexico-tulum-police-officers-charged-woman-dies-arrest>

Four media organizations published an investigative report on 2018 and 2020 waste spills from a silver mine operated by the Canadian-owned company Minera Cuzcatlan in the southern state of Oaxaca. The water from the mine tailings dam overflowed, damaging water sources and surrounding soils. The researchers gained access to the “Mexican authorities’ case file” on the 2018 incident, including “dossiers

from both the National Water Commission (Conagua), which included test results from the first water samples collected by government lab technicians, and the Office for Environmental Protection. Although the test results showed concentrations of heavy metals far exceeding the national standard for safety (in one case 1845% of safe level), both government agencies and the mining company sealed these early reports indicating contamination. The effect was to deny that the El Coyote stream had been contaminated and to absolve the company of all responsibility.” <https://nacla.org/news/2021/03/30/license-pollute-fortuna-silver-mines-oaxaca?emci=fa19699e-5a91-eb11-85aa-00155d43c992&emdi=82fd47d7-5b91-eb11-85aa-00155d43c992&ceid=4606001>

Mozambique. Amnesty International interviewed 79 internally displaced persons from 15 communities in the province of Cabo Delgado, “reviewed satellite imagery, photographic material, and medical and ballistics information,” and investigated “available social media material” on the fighting in the area since March 2020. “The civilian residents of Cabo Delgado are caught between three fighting forces”: Al-Shabaab armed insurgents, the government, and the government contractor Dyck Advisory Group, a South African private military company. The Armed Conflict Location and Event Data Project estimates that over 1,300 civilians have been killed during the conflict, and the UN High Commissioner for Refugees estimates that 530,000, a quarter of the population, are internally displaced. Amnesty concluded that all sides of the conflict have violated international humanitarian law. <https://www.amnesty.org/en/documents/afr41/3545/2021/en/>

Myanmar. The UN special envoy on human rights in Myanmar told the UN Security Council that since the 1 February coup the military has perpetrated “acts of murder, enforced disappearance, persecution, torture and imprisonment in violation of fundamental rules of international law.” He cited “extensive video evidence of security forces beating demonstrators, medics and bystanders,” “video evidence of soldiers and police systematically destroying property, looting shops and firing indiscriminately into people’s homes” and “shocking video of the aftermath of attacks, including fatal gunshot wounds to the heads of protesters and video of soldiers dragging or carrying away the dead bodies of their victims,” *Geneva Solutions* reported. https://genevasolutions.news/peace-humanitarian/myanmar-coup-growing-evidence-of-crimes-against-humanity-says-un-envoy?utm_source=newsletter&utm_medium=email

“By verifying more than 50 videos from the ongoing crackdown, Amnesty International’s Crisis Evidence Lab can confirm that security forces appear to be implementing planned, systematic strategies including the ramped-up use of lethal force. Many of the killings documented amount to extrajudicial executions.” <https://www.amnesty.org/en/latest/news/2021/03/myanmar-arsenal-troops-deployed-crackdown/>

Nigeria. Two NGOs, Policy Alert and PWYP UK, did research on “issues relating to Nigeria’s extractive sector,” focusing on “oil and gas blocks and a mining company cement operation, for which extractive companies had reported disaggregated project-level payment data under Canadian, European Union and U.K. legislation.” They found that “multinational oil companies, including Royal Dutch Shell and Total, paid US\$359 million in 2018 to the Niger Delta Development Commission, the federal government agency responsible for facilitating development in Nigeria’s oil-rich but poverty-stricken Niger Delta region,” but found “little evidence that the Nigerian government’s intended benefit sharing and intervention initiative have significantly helped host and impacted communities.” The NGOs concluded that public payments-to-governments reports “make a useful contribution to accountability and help deter corruption but can be undermined by poor quality implementation.” <https://www.pwyp.org/wp-content/uploads/2021/03/PolicyAlert-SDN-PWYP-summary-Nigeria-extractives.pdf>

Peru. From hiding, a police officer posted on line “a series of social media videos” in which he “confessed to the murders” of two young women in 2020 and “said he was part of a sex-trafficking ring operating from within the very police unit responsible for investigating human trafficking and disappearances.” He had not been located by 18 March. Peru’s human rights ombudsman’s office has a registry of disappeared people, “of whom two-thirds are girls,” the *Guardian* reported, and of “last year’s 138 femicides, 34 of the women and girls had previously been reported as disappearances.” Mujeres Desaparecidas, an NGO, said “11,828 women and girls were registered as disappeared in 2020 based on police reports,” with about two-thirds under 18-years-old. <https://www.theguardian.com/global-development/2021/mar/18/peru-disappeared-girls-women-shadow-pandemic-femicide-police-accused-sex-trafficking>

Portugal. The Council of Europe said in its yearly report, “Further efforts are necessary for Portugal to come to terms with past human rights violations to tackle racist bias against people of African descent

inherited from a colonial past and historical slave trade,” *Reuters* reported. Portugal’s secretary of state for equality said “complaints of racial discrimination increased 50% to 655 in 2020 but the figure is likely far below the actual rate of racist incidents.” <https://www.businesslive.co.za/bd/world/europe/2021-03-24-council-of-europe-urges-portugal-to-confront-its-colonial-past/>

Russia. The Defense Minister issued an order on 12 November 2020, published on 23 March and in effect as of 1 April, cancelling earlier orders that declassified archival documents about the 1939-1945 war. This follows an order of 1 January that requires an “expert opinion” on all documents from the 1939-1945 war before they are released for access. The opinion is to be given by “expert commissions” that are to finish work by the end of 2024. The NGO Kharkiv Human Rights Protection Group believes that with the orders “the chances of gaining access to any of the material have been reduced to near zero,” and they are “especially alarming given the current regime’s systematic attempts to push its own narrative about that period, distorting or muffling historical facts, for example, about the Soviet Union’s collaboration with Nazi Germany from 1939 to June 1941.” http://khpg.org/en/1608808937?fbclid=IwAR2e8_3ai5ickBHi7izBNQO_ls6yiCP1ZAWmOPZFip3E_DTTaxHI4NzQus

South Sudan. The United Nations Mission in South Sudan and the Office of the High Commissioner for Human Rights issued a joint report on “armed violence involving community-based militias from the Dinka, Nuer and Murle communities in Jonglei state and the Greater Pibor Administrative Area between January and August 2020.” They found widespread abuse of international human rights law: killing, abductions, rape, forced marriage, sexual enslavement, looting and destruction of private and public property, including humanitarian facilities. The researchers interviewed 225 victims and witnesses of the violence and 70 members of “armed elements” and collected unspecified “corroborating information and testimonies” and “various documents and photographic evidence.” https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Countries/SS/Jonglei-report.pdf&action=default&DefaultItemOpen=1

Sri Lanka. The UN Human Rights Council recognized “the importance of preserving and analysing evidence relating to violations and abuses of human rights and related crimes in Sri Lanka with a view to advancing accountability, and decides to strengthen in this regard the capacity of the Office of the High Commissioner to collect, consolidate, analyse and preserve information and evidence and to develop possible strategies for future accountability processes.” Important UN records. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26938&LangID=E>

Syria. Syria Justice and Accountability Centre (NGO) issued its annual report on global attempts to achieve justice and accountability for Syrians. It includes a useful list of universal jurisdiction cases from eight countries, including cases under investigation, at trial, and completed/convicted. <https://syriaaccountability.org/wp-content/uploads/SJS-English-Compressed.pdf>

United Kingdom. Privacy International, an NGO, reviewed a “995-page, heavily redacted DWP [Department for Work and Pensions] employee handbook” and found that “surveillance of benefit claimants is permitted as long as it remains ‘covert, but not intrusive’,” *VICE News* reported. “Along with financial institutions and airlines such as EasyJet, the DWP can also source information from eBay, supermarkets, leisure centres and gyms, the BBC, and certain Sky subscription services” as well as, with a Data Protection Act letter, Paypal. DWP said “surveillance [is] conducted only when the Department is investigating potential fraud.” https://www.vice.com/en/article/y3g9n5/how-the-government-spies-on-welfare-claimants?utm_source=email&utm_medium=editorial&utm_content=news&utm_campaign=210306

The Office of National Statistics said its official data show that “women make up 80% of sexual assault victims over the age of 16,” *Thomson Reuters Foundation* reported. The statistics “showed little progress in tackling sexual assault, with 773,000 people—1.8% of adults in England and Wales—experiencing rape, assault by penetration, indecent exposure or unwanted sexual touching in the year to March 2020.” The Office believes “fewer than one in six victims of rape or assault by penetration” report the crime. <https://nationalpost.com/pmn/news-pmn/crime-pmn/women-suffer-80-of-sexual-assaults-and-rarely-report-it-uk-data-shows>

According to the International Organization for Migration UK writing in the *Thomson Reuters Foundation*, in 2020 10,613 potential victims of modern slavery were referred to the National Referral

Mechanism, the official system through which victims are identified and provided support. That is only three less than in 2019. <https://news.trust.org/item/20210331092620-1dgi5/>

United States. Six Freedmen (descendants of slaves of the Seminole Native American tribe) told *BuzzFeed News* that “the Seminole Nation has denied them vaccines, health services, and COVID financial relief based on the ancestry listed on their tribal ID cards.” In early March the health clinic in the Seminole capitol said it would offer vaccines regardless of tribal status, but because “the Indian Health Service allocates vaccines to the clinic based on the number of active patients—and since Freedmen are not eligible for any healthcare through the Seminole Nation, they were not included in the tallies determining how many vaccines the clinic receives.” Freedmen make up roughly one-eighth of Seminoles, and “documents reviewed . . . show that the Seminole tribe has used these ID cards to deny Freedmen access to COVID health and financial services.” https://www.buzzfeednews.com/article/josephlee/seminole-oklahoma-black-freedmen-vaccines?utm_source=STAT%2BNewsletters&utm_campaign=96a65c7b1e-MR_COPY_14&utm_medium=email&utm_term=0_8cab1d7961-96a65c7b1e-149736437

The Anti-Defamation League (ADL), an NGO, issued a report on white supremacist propaganda incidents in 2020. 5,125 cases were reported to it, the highest ever recorded and nearly double the 2,724 in 2019. White supremacist propaganda appeared in every state except Hawaii. “At least 30 white supremacist groups distributed propaganda, but three groups—Patriot Front, New Jersey European Heritage Association and Nationalist Social Club—were responsible for 92% of the activity.” https://www.adl.org/white-supremacist-propaganda-spikes-2020?utm_source=email&utm_medium=editorial&utm_content=news&utm_campaign=210317

A judge in the U.S. District Court for the District of Columbia ruled that the Immigration and Customs Enforcement Service cannot destroy records of sexual abuse and assault, death reviews, detainee segregation files and other records on its records schedule that was approved by the National Archives and Records Administration (NARA). CREW, an NGO, the American Historical Association and the Society for Historians of American Foreign Relations had sued to block implementation of the schedule. The judge wrote, “NARA’s approval of the schedule was arbitrary and capricious on the grounds that NARA failed to evaluate the research value of the ICE records and that NARA failed to address significant and relevant public comments.” <https://www.citizensforethics.org/wp-content/uploads/2021/03/CREW-v.-ICE-Memorandum-Opinion.pdf>

Four UN Special Rapporteurs and two UN human rights working groups “raised serious concerns about further industrialization of the so-called Cancer Alley in the southern U.S. state of Louisiana, saying the development of petrochemical complexes is a form of environmental racism.” They cited data from the U.S. Environmental Protection Agency’s National Air Toxic Assessment map, which shows “the cancer risks in predominantly African American Districts in St. James Parish could be at 104 and 105 cases per million, while other districts with predominantly white population could have a cancer risk ranging from 60 to 75 per million.” They also called “on the United States and St. James Parish to recognize and pay reparations for the centuries of harm to Afro-descendants rooted in slavery and colonialism.” <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26824&LangID=E>

Ethylene oxide is widely used as a sterilizing agent and to produce products such as antifreeze, cosmetics, and petrochemicals. Tiny amounts are dangerous to humans, and long-term exposure increases the risk of cancer. *The Intercept* published a long investigative report on the problems with monitoring ethylene oxide emissions and the lack of information on the effects of the product to communities around the plants making and using it. The Environmental Protection Agency maintains a publicly available Toxics Release Inventory, based on submissions from the companies. After 2016, companies were allowed to revise downward their previously posted reports of the amount of ethylene oxide emissions, calling into question “the validity of the Toxics Release Inventory, a tool the EPA introduced to increase corporate accountability.” <https://theintercept.com/2021/03/18/epa-pollution-cancer-ethylene-oxide/>

On 4 December 1969 Chicago police killed Illinois Black Panther Party member Fred Hampton, a murder still a point of contention over 50 years later. At the time the Federal Bureau of Investigation (FBI) was closely monitoring the Party. Using the Freedom of Information Act, *Jacobin* obtained 491 pages from the personnel file of the FBI agent who had recruited a man to join the Party and provide information—

an informant—showing “the degree to which the Bureau was following, encouraging and rewarding” both agent and informant. <https://jacobinmag.com/2021/03/newly-obtained-fbi-files-shed-new-light-on-the-murder-of-fred-hampton/>

United States/Illinois. The city of Evanston will make reparations to Black residents for harm caused by “discriminatory housing policies and practices and inaction on the city’s part.” The announcement included “restorative housing program guidelines,” which provided a sample list of documents that could be submitted as proof of ancestry, residency, race or age. <https://www.npr.org/2021/03/23/980277688/in-likely-first-chicago-suburb-of-evanston-approves-reparations-for-black-reside>
<https://cityofevanston.civicweb.net/document/50624/Adoption%20of%20Resolution%2037-R-27.%20Authorizing%20the.pdf?handle=E11C7B73E1B6470DA42362AB80A50C46>

Venezuela. The chair of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela presented a statement to the UN Human Rights Council on the Mission’s work since September 2020. It continues to “investigate, verify and document” alleged abuses and human rights violations; “civil society organizations recorded over 100 cases of detentions in protests since September.” The Mission said it has “identified over 200 killings committed by police forces since the start of the year” and “received reports that public officials continue to engage in practices which serve as an impediment to accountability for unlawful killings” including “failing to release death certificates.” <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26872&LangID=E>

Publications. The International Centre for the Study of the Preservation and Restoration of Cultural Property, *PATH: Peacebuilding Assessment Tool for Heritage Recovery*: <https://bit.ly/2N44Grb>

Jeannie Suk Gersen, “The Story of the Comfort Women, in Korean and Japanese,” *The New Yorker*: <https://www.newyorker.com/contributors/jeannie-suk>

Briony Jones and Ulrike Lühe, *Knowledge for Peace - Transitional Justice and the Politics of Knowledge in Theory and Practice*, swisspeace: <https://www.swisspeace.ch/publications/policy-briefs/new-articlelevelling-the-playing-field-operating-within-the-politics-of-knowledge-in-the-field-of-transitional-justice>

Francesca Lessa, “Remnants of Truth: The Role of Archives in Human Rights Trials for Operation Condor,” *Latin American Research Review*: <https://larlrasa.org/articles/10.25222/larr.769/>

Claire L. Taylor, Lucia Brandi, Cecilia A. Acosta Sanchez, Marcelo Diaz Vallejo, “Archives of Human Rights and Historical Memory: An Analysis of Archival Practices ‘From Below’ in Four NGOs in Colombia,” *Journal of Contemporary Archival Studies*: <https://elischolar.library.yale.edu/cgi/viewcontent.cgi?article=1146&context=jcas>

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INTERNATIONAL COUNCIL ON ARCHIVES SECTION ON ARCHIVES AND HUMAN RIGHTS

The International Council on Archives, Section on Archives and Human Rights (ICA-SAHR), welcomes this draft set of Guiding Principles for the Dignified Management of the Dead in Humanitarian Emergencies and to Prevent them Becoming Missing Persons. The draft consolidates and summarizes the key provisions of international treaties, rules and practices in respecting the dignity and rights of the dead and their families/relatives during and after humanitarian emergencies. The draft Principles present complicated legal and moral principles and obligations in an accessible manner, making them easier to understand and strengthening the possibility of their implementation by the relevant parties.

ICA-SAHR agrees with the draft Principles but recommends elaboration of some of the Principles and clarifications of some of the terms used.

General Comment.

ICA-SAHR believes the draft should address with the entire cycle of information and data that is created or collected during the process of tracing missing persons: records of identification, investigation, confirmation of death, return of the remains and personal effects; records of the process of gathering, disseminating and using the information, including to whom information access is granted; and the determination of which records of all physical types that should be preserved or disposed of. These issues are briefly addressed in Principle VIII which states that the necessary information "*should be gathered, managed, made available and preserved with appropriate regard to data protection in accordance with international law and standards.*" Footnote xii to Principle VIII points only to principle 11 of the UN document, *Guiding principles for the search of disappeared persons*, though there is more relevant guidance in other parts of this document.

We believe Principle VIII needs to be expanded to incorporate additional guidance on managing records. The text should emphasize that adequate and proper records and information are required, both to respect the dignity and rights of the dead and their families and to secure the right to know the truth by local, national and international communities. We suggest the data and information to be gathered on a missing person should include: the name of the missing person, gender, place and date of birth, marital status, occupation, address, date and details of last circumstances of disappearance, the reason why the person is thought to be missing, and details of the families that correspond to the missing persons. If there is reliable information that the person is dead, the records should include information on the exact or approximate date of death and the causes, any indications of maltreatment or violation of human rights, and images of the likely burial site and graveyard. All these records must be provided in a timely manner to family members free of charge to assist them in administrative, investigative or judicial actions, or other immediate needs.

It is important to recognize that both the individual case files on the missing and the records of the entity that is searching for them have historical value after administrative and legal actions have been completed. All records created or collected, in any physical format including DNA samples, must be properly appraised for disposition as soon as practicable. Those possessing permanent value should be preserved by the relevant archives, with the rest destroyed in a secure manner. Prevailing laws and regulations seldom touch upon privacy of the dead and how disclosures of information may affect family members/beneficiaries, even though modern information technology has greatly aided the storage, search, collation, sharing and use of these information and records. Special consideration must be drawn to the proper management and security of the records to ensure their continued authenticity, preservation. and authorized access, especially for those in digital formats. Sensitive information needs to be carefully redacted or depersonalized before disclosure to other than family members to avoid disrespecting the dead and harming the living. Access to unredacted information may be granted in special cases for statistical, research or other legitimate public interests. Commercial use should be avoided unless there is consent from the family members/beneficiaries.

Specific Comments

- a. The text should begin with definitions; for example, of "victims" and "relatives."

Point 6 in the Preamble states *"the truth of the facts surrounding such violations be made known to the victims and their relatives and also the concerned communities."* Is the truth about the facts the same as the facts? Who are the victims? If the "victims" refer only to the missing and the dead, how can truth be communicated to them?

The term "relatives" of the dead is used in Principles II, IV, V, XIII, XIV and XVI while "families" is used in Principles III, VI, XVI, XVIII, XIX and XX. Are these two terms used interchangeably or do they have different meanings? The clarification of who constitute families or relatives is important, as it will impact on the rights and privacy of the dead as well as the related parties, particularly when disputes and legal proceedings are involved.

- b. Guiding Principle 1 provides that: *"identification is individualization by attribution of the birth name or other appropriate name to a dead person."* What if there are victims bearing the same name, which is not uncommon in many parts of the world? How are they differentiated from one another just by the name(s)? Perhaps the text could add "or other unique personal identifier" which could include identification numbers.
- c. According to Point 4 of the Preamble, *"Respect to a human being does not cease with death."* Point 5 states that *"the identity of human beings must be preserved after death."* In that connection, it seems necessary to extend Guiding Principle 2, which states that *"the dignity of the dead, their relatives and communities should be respected at all stages and at all times: while searching for the dead... the return of the remains and personal effects, and the final disposition of the dead,"* to cover the handling of personal data and information even after death. Upon conclusion of the tracing and confirmation of death, all personal data and confidential information held by the designated Registry or Bureau must be treated with care to protect privacy and rights of the dead and the family members as well as any related third parties. Unrestricted access should be granted to family members and legal representatives of the missing persons and those to whom the information directly relates.

ICA and the Section on Human Rights and Archives thank you for your time and attention in this matter. We remain at your disposal should you have any questions about our feedback.

Sincerely,



David Fricker
ICA President