Written and compiled by Trudy Huskamp Peterson for the HRWG

Commentary.

In 2004 six big metal trunks were taking up floor space in the Department of Political Affairs in the United Nations building in New York. They held ballots from the 1999 vote (a "popular consultation") in East Timor when the population, 98% of whom voted, decisively rejected a proposal to make East Timor a special autonomous region within Indonesia. Instead, the Timorese said by their vote, they wanted national independence. The United Nations had managed the vote, and the Department had decided to hold onto the ballots in case questions arose about the result.

This election season is rife with challenges to the outcomes of votes. Some questions arise over who is listed on the register of eligible voters. As reported in *HRWG News* 2016-09, a nongovernmental organization in Moldova compared the published electoral rolls for the October 30 presidential election against burials at two cemeteries in Chisinau, the capitol. The check of "more than 300 gravesites found nearly 100 of them contained people on the approved list of voters." In October in Montenegro, the international election observation mission of the Organization for Security Cooperation in Europe and the Council of Europe termed the parliamentary elections generally fair, but noted that a number of mission members "expressed continuing concerns about the accuracy of the electoral register" which is "maintained by the Ministry of Interior based on information extracted from three civil registers."
http://www.oscepa.org/documents/all-documents/election-observation/election-observation-statements/montenegro/statements-17/3419-2016-parliamentary-3/file

And there are questions about the counting of ballots. In Bosnia, the October 2 vote for the mayor of Srebrenica was contested, and the bags of ballots were brought from the polling stations to a warehouse in East Sarajevo for "a closely observed" recount (*BIRN* published a picture of the bags arriving).
http://www.balkaninsight.com/en/article/srebrenica-recount-begins-as-bosniak-party-seeks-annulment-10-11-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=b5804e1df1-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-b5804e1df1-319755321
In Gabon in late August the incumbent won a "narrow victory" which the opposition disputed. The loser called for the voting figures from each polling station to be made public, reported the *BBC*, and appealed to the Constitutional Court, which in late September upheld the original outcome. The Court said "it had retallied all the votes from the poll, though it could not do a full recount because all the votes were burned immediately after they were counted at the polling stations." http://www.bbc.com/news/world-africa-37236253; https://www.theguardian.com/world/2016/sep/24/gabon-court-rules-president-ali-bongo-rightful-winner-of-september-election

Many records must be reliable for the outcome of an election to be accepted by the populace: registers of voters are the first; next are the ballots themselves, paper or electronic, marked manually or mechanically; then the tallies of the votes, in the polling stations and in the entity as a whole, along with the certified record of the final count and its official announcement. How many of these records have a permanent value and need to be preserved in an archives is a decision that each political entity and its archivists must make. Clearly trunks and bags of ballots are voluminous and, after the election is truly over, may not be needed, even for historical research. But the polling station data can be remarkably useful in understanding the results of elections, particularly when the result is a surprise. The data from the vote in Colombia on October 2, which rejected the peace agreement the government had negotiated with the guerillas, is being analyzed to help understand how a revision of the agreement would gain more popular acceptance.
https://www.wilsoncenter.org/sites/default/files/voting_for_peace_wwc-fip_final_english.pdf

Preserving the voting record is an essential function for state archives. It is especially crucial when the election is controversial and occurs amid high civic tension. Although most voters don't know it, when

they use a pencil to mark a ballot or pull a lever or tap an electronic voting screen, they are creating a record. They are adding to archives.

International news.

International Criminal Court ICC). Congolese opposition leader Jean-Pierre Bemba and four associates, including two of his former defense lawyers, were convicted in the witness bribery trial at the ICC, reported *International Justice Monitor*. To prove the case the prosecutors used money transfer receipts from Western Union, telephone call records, email transcripts, text messages, and summaries of recorded communications. https://www.ijmonitor.org/2016/10/bemba-and-four-associates-convicted-for-witness-tampering/

At the trial of Bosco Ntaganda for war crimes committed in the Democratic Republic of Congo, a video taken in a neighborhood that had just fallen to his troops was the focus of the testimony of a protected witness. The video's narrator implicated "a rival militia"—not Ntaganda's troops—in the "murder and pillaging" documented on the video, reported *International Justice Monitor*.
http://www.ijmonitor.org/2016/10/defense-questions-upc-insider-about-atrocities-committed-by-rival-militia/

South Africa, Gambia, and Burundi announced their intent to withdraw from the ICC.
http://hosted.ap.org/dynamic/stories/A/AF_SOUTH_AFRICA_ICC_WITHDRAWAL?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT

United Nations. The Secretary-General sent the UN General Assembly the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises. Among its recommendations, which are based on the duties and responsibilities outlined in the *Guiding Principles on Business and Human Rights*, is one on "tracking and traceability" (paragraph 118) that urges civil society and international organizations to: "(a) Raise awareness of indigenous peoples and local communities about their rights and the remedy mechanisms available to assert the rights and, in line with the decision-making processes of communities, assist in accessing these mechanisms; (b) Assist indigenous peoples and local communities in documenting and compiling formal evidence towards supporting complaints submitted, such as in the form of written chronologies, documents, photographs and recordings." https://business-humanrights.org/sites/default/files/documents/N1624906.pdf

The UN intergovernmental working group on a proposed business and human rights treaty held its second meeting. It focused on regulating companies operating abroad, the legal obligations of businesses, the scope of the proposed treaty, and issues of access to justice. All these topics require businesses to have robust corporate archives. For the papers from the meeting, see
https://business-humanrights.org/en/binding-treaty/intergovernmental-working-group-sessions. For a useful commentary, see
https://www.southcentre.int/wp-content/uploads/2016/10/PB30_Approaching-States%E2%80%99-Obligations-Under-a-Prospective-Legally-Binding-Instrument-on-TNCs-and-Human-Rights_EN.pdf

The UN Independent Expert on foreign debt and human rights and two members of the Human Rights Council Advisory Committee "urged governments to act in concert and establish a United Nations body working to eliminate tax havens." The group said, "When individuals and corporations hide unreported assets abroad to escape taxes or launder money, they are effectively stealing from the public. The proceeds from these illicit activities could and should be devoted to funding public services, such as health care, housing, schools, transportation infrastructure, social security, law enforcement and courts."
http://www.cadtm.org/Bahamas-leaks-What-else-do-we-need

The UN Special Rapporteur on the situation of human rights in Eritrea addressed the General Assembly on behalf of the former UN Commission of Inquiry on human rights in Eritrea. She "highlighted the Commission's clear findings that crimes against humanity have been committed since 1991 by Eritrean officials" and urged the "situation in Eritrea be referred to the International Criminal Court." For background see *HRWG News* 2016-06. http://www.pressreleasepoint.com/print/1066712

The members of the 13-month inquiry by the United Nations and the Organization for the Prohibition of Chemical Weapons on the use of chemical weapons in the war in Syria submitted a confidential report—its

fourth—to the Security Council. The investigators found "Syrian government forces responsible for a third toxic gas attack," reported *Reuter*s. They said they "could not confirm the names of the individuals who had command and control" during the attack, but urged that those "with effective control in the military units . . . be held accountable." Military records would identify the commanders.
http://news.trust.org/item/20161022004603-287mq/

In February the Security Council "extended for one year its sanctions on those threatening stability in Yemen, as well as the mandate of the Panel of Experts assisting the committee charged with overseeing those measures." The sanctions monitors told the Security Council that the two October 8 air strikes on a funeral in the rebel-held capital Sanaa "violated international humanitarian law," reported *Reuters*. The Saudi-led coalition (supporting Yemen's official government) that carried out the strikes set up an investigative body, which concluded "the attack was based on incorrect information."
http://www.un.org/press/en/2016/sc12257.doc.htm; http://www.reuters.com/article/us-yemen-security-saudi-un-idUSKCN12K2F1;

World/general news.

Business records. A group of legal experts, supported by Amnesty International and the International Corporate Accountability Roundtable (ICAR), developed a set of "Corporate Crime Principles" to "advance the investigation and prosecution of human rights cases." In addition to the dumping of toxic waste in Cote d'Ivoire in 2006 (see *HRWG News* 2016-09 for background) Amnesty and ICAR "have documented 20 other examples where authorities have not prosecuted multinationals despite being provided with evidence of illegal conduct linked to serious human rights abuses in other countries."
http://www.commercecrimehumanrights.org/

Members of the International Code of Conduct for Private Security Service Providers' Association, whose membership "represents private security companies (PSCs), governments, and civil society organizations," voted to adopt procedures for "a monitoring process to ensure adherence to the Code of Conduct and to promote improved performance" and "a complaints procedure to offer a mechanism to report and remedy non-compliance or other concerns and to assist PSCs in developing effective internal grievance mechanisms." Records are key to both these procedures. http://icoca.ch/en/news/2016-AGA

The American Civil Liberties Union (ACLU) of California "obtained records showing that Twitter, Facebook and Instagram provided user data access to Geofeedia, a developer of a social media monitoring product" that was "marketed to law enforcement as a tool to monitor activists and protesters." The records came from "thousands of pages" of documents the ACLU obtained from public records requests to 63 California law enforcement agencies. https://www.aclunc.org/blog/facebook-instagram-and-twitter-provided-data-access-surveillance-product-marketed-target

An essay by the executive director of the nongovernmental Business and Human Rights Resource Centre analyzed the reports companies were required to make by October 1 under the United Kingdom's new Modern Slavery Act. Of the 700 reports filed, he wrote, "Shockingly, the majority of statements do not comply with the three obligations of the Act," with many companies failing to "provide any information on the action they are taking or be open about where the risks lie in their supply chain."
http://news.trust.org/item/20161003103858-orq5i

Medical records. *Eurasia Review* reported on a child mortality study published in *The Lancet Global Health.* The authors "used data from 82 U.S. Agency for International Development surveys in 28 sub-Saharan African countries, including information on the location and timing of 3.24 million births and 393,685 deaths of children under age 5, to develop high-resolution maps of under-5 mortality from the 1980s through the 2000s. Using this database, the authors found that local-level factors, such as climate and malaria exposure, were predictive of overall patterns, while national-level factors were relatively poor predictors of child mortality." The study "found that 23 percent of the children in their study countries live in mortality hotspots" mostly in Nigeria and the Democratic Republic of Congo, while only 3 countries have fewer than 5 % of children in hotspots for child mortality: Benin, Namibia and Tanzania.
http://www.eurasiareview.com/26102016-more-than-15-million-children-in-high-mortality-hotspots-in-sub-saharan-africa/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Willy Burgdorfer was a Swiss-born U.S. scientist who worked as a researcher for the U.S. National Institutes of Health. He is famous for having discovered the tick that causes Lyme disease. He died in 2004, and his official records are in the National Archives. His biographer approached *STAT* with items from Burghofer's personal papers showing that in 1979 he had discovered that blood from patients with Lyme disease showed "very strong reactions" to what he called the "Swiss Agent" (now called *Rickettsia Helvetica*). Burghofer apparently never pursued that line of research. *STAT* had "key portions" of the papers ("including letters to collaborators, lab records, and blood test results") reviewed by scientists who said the "bacteria might still be sickening an unknown number of Americans today" and called for further study of it. https://www.statnews.com/2016/10/12/swiss-agent-lyme-disease-mystery/

Risk. The Fragile States Index is produced yearly by the Fund for Peace, using data "already freely and widely available electronically" from 178 countries which the Fund analyzes using a Conflict Assessment System Tool software. The Fund says the strength of its' analysis is "in the methodological rigor and the systematic integration of a wide range of data sources." For 2016 it ranked the 5 most fragile as Somalia, South Sudan, Central African Republic, Sudan, and Yemen. Surely the archives in those states are at risk. http://library.fundforpeace.org/fsi16-report; for an analysis of Nepal as a fragile state (it ranks 33rd) see http://www.eurasiareview.com/28102016-fragile-states-index-and-nepal-analysis-2/

Statistics on girls. Plan International (PI), a nongovernmental organization, said that millions of girls are left "invisible" because of a lack of data, *Thomson Reuters Foundation* reported. "The absence of accurate statistics on issues such as sexual violence means policymakers cannot draw up effective plans to help them." PI said "governments must invest in data collection, and capture meaningful statistics that reflect what girls in their communities are facing, such a pregnancies, rape and school drop-outs." http://news.trust.org/item/20161003000329-oke0i/

Bilateral and multilateral news.

Argentina/Vatican. A joint statement by The Vatican and bishops from Argentina said they have "finished cataloguing" their archives from Argentina's "dictatorship era" (1976-1983) that are "held in the Vatican secretariat of state, the Vatican's Buenos Aires embassy and the Argentinian bishops' conference." These archives will "soon" be available "to victims and their relatives who have long accused the church of complicity with the military rulers," reported *The Guardian*. The Vatican's spokesman "stressed that for now the archives would only be open to victims and their relatives, not academics." https://www.theguardian.com/world/2016/oct/25/vatican-argentina-archives-dictatorship-pope-francis

Australia/Italy/United States. Using information obtained from the 2014 arrest of an Australian man, and with the cooperation of the United States' Federal Bureau of Investigation, Italian police arrested 7 people running a site on the "dark web" with "massive" amounts of child pornography and "roughly 400,000 links to child abuse material," reported the Organized Crime and Corruption Reporting Project. https://www.occrp.org/en/daily/5745-italy-police-arrest-7-in-dark-web-child-porn-ring

Australia/United States. The controversy over Ford Motor Company's plan to ship its archives from Australia to its headquarters in the United States continues. For background, see *HRWG News* 2016-09. http://www.news.com.au/technology/innovation/motoring/ford-australia-shredding-archives-government-may-block-plans-to-move-documents-to-detroit/news-story/cd704018bddebaead4c042a06e79186f ; http://www.geelongadvertiser.com.au/news/geelong/ford-ships-geelong-archives-to-us-says-its-under-no-obligation-to-keep-them-here/news-story/29ee56dcd4174f2bb9fbc876a6c4bf9f

Bosnia/Netherlands. Both the government of the Netherlands and the Bosnian victims' group Mothers of Srebrenica and Zepa Enclaves appealed the July 2014 ruling by a district court in The Hague that ruled that the Dutch peacekeeping force in Srebrenica failed to protect 300 Bosnians after Srebrenica fell to the Bosnian Serb Army on July 11, 1995. The Mothers believe that the Netherlands "should be found guilty of responsibility for the deaths of all the Bosniaks from Srebrenica who were killed after the enclave fell," not only 300, *BIRN* reported. The 2014 verdict said that on the night of July 12, 1995, or the morning of July 13, the Dutch authorities "knew or should have known" that there was a possibility that the Bosnians would

be killed, so The Netherlands was "guilty of the deaths of about 300 people who were handed over from that moment onwards." The lawyer for the Mothers said that "during the appeal he would present a document dated July 11, in which the Dutch defence minister said he was afraid for the safety of the Bosniaks," implying the whole population. http://www.balkaninsight.com/en/article/netherlands-targeted-in-appeal-over-srebrenica-deaths-10-03-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=b9e03761d2-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-b9e03761d2-319755321

Bulgaria/Russia. In 1944 "130 bags of document[s] were taken out of the Bulgarian archives and transported to the USSR," *novinite.com* reported. Russia wants USD 23,490 to return the archives, which are said to contained mostly police records "gathered between 1923 and 1944, alongside documents of the armed forces" and documents relating to the treaty Bulgaria, as a defeated nation, signed at the end of World War I. http://www.novinite.com/articles/177036/Bulgaria,+Russia+in+Spat+over+Seized+Archives

Burkina Faso/France. President Thomas Sankara of Burkina Faso was assassinated in 1987. A lawyer for the Sankara family told a press conference that a Burkinabe "investigating judge had formally asked French authorities to declassify military documents to see whether France had played any role in the assassination." http://www.bbc.com/news/world-africa-37643926

Cuba/United States. On October 6, 1976, a bomb exploded in Cubana airline flight 455, killing all 73 people on board. Luis Posada Carriles, a Cuban exile and an agent of the U.S. Central Intelligence Agency, has been suspected of organizing the bombing, which he denies. He currently lives in the United States. Although the U.S. government has released some records on the bombing, the National Security Archive, a nongovernmental organization, marked the 40th anniversary of the bombing by arguing for declassification and disclosure of "all remaining intelligence records on Luis Posada Carriles to shed light on his activities, provide historical evidence for his victims and make a gesture of declassified diplomacy towards Cuba." http://nsarchive.gwu.edu/NSAEBB/NSAEBB202/update.html

Georgia/Russia. Since the armed conflict in 2008, the boundary between the two countries has been contested. It prevents some people from going to their homes; some are even arrested when they stray over the poorly marked border. The head of the European Union Monitoring Mission in Georgia told the *New York Times* that the boundary line "was never recognized or agreed upon, and its location depends on which maps are used. Russia, he said, is using a map drawn by the Soviet military's general staff in the 1980s." http://www.nytimes.com/2016/10/24/world/europe/in-russias-frozen-zone-a-creeping-border-with-georgia.html?_r=0

Iceland/United States. Recently declassified U.S. State Department records to and from the U.S. Embassy in Iceland on the subject of nuclear weapons deployment, obtained by the National Security Archive and posted to its website, "unleashed a debate" in Iceland, *In Depth News* reported. The Archive, however, says, "That the United States never deployed nuclear weapons in Iceland is a settled issue." http://www.eurasiareview.com/author/idn/; http://nsarchive.gwu.edu/nukevault/ebb557-US-Debated-Secret-Nuclear-Deployments-in-Iceland/

India/Japan. The Japanese government "declassified archival materials to help settle the long-held controversy over the death of Subhas Chandra Bose," reported *The Japan News*. Bose was a leader of the movement to free India from U.K. colonial rule; his Indian National Army was assisted by the Japanese during World War II. "The documents recently became available to the public at the Foreign Ministry's Diplomatic Archives" and show that Bose died in a plane crash in August 1945. For background see *HRWG News* 2016-03. http://www.chicagotribune.com/sns-wp-japan-indian-163b6824-88ca-11e6-b24f-a7f89eb68887-20161002-story.html

Iraq/United States. The Center for Constitutional Rights, a nongovernmental organization in the United States, sued CACI, a U.S.-based government contractor, on behalf of four persons held at the Abu Ghraib prison in Iraq in 2003-2004. CACI was responsible for interrogation "services" at the prison, and the case claims that the four—all of whom were ultimately released without being charged with a crime—were subjected to torture and other crimes against humanity and that CACI "directed and participated" in the illegal conduct. A lower court had dismissed the case, but an appeals court reinstated it, and the case should now proceed to trial. CACI corporate records likely will be at issue. https://ccrjustice.org/home/what-we-do/our-cases/al-shimari-v-caci-et-al

Islamic State/IS/ISIL/ISIS. The U.S. Combating Terrorism Center located at the U.S. Military Academy (West Point) issued a research report on the media output of the Islamic State. The researchers examined "a small number of declassified documents captured from the group's predecessors to provide a baseline understanding" of its present media structure and operations and examined "over 9,000 Islamic State official media products." They concluded that from its high point in August 2015, when IS released more than 700 items, to August 2016, when it made 200 media releases, the share of items "devoted to military reports doubled to 70 percent, eclipsing attention to governance, commerce and other topics portraying civilian life." https://www.ctc.usma.edu/posts/communication-breakdown-unraveling-the-islamic-states-media-efforts

Israel/Yemen. In Israel from 1948 to 1954 "between 1,500 and 5,000 children, mainly Yemenite toddlers, were reported missing, with many parents being told their children had died, sparking claims they were taken and given to Ashkenazi couples," *Haaretz* reported. Committees in 1967, 1988 and 1995 investigated the disappearances. Israel's minister of national security and foreign affairs was asked by Prime Minister Netanyahu to reexamine the disappearances, and he told the press that he will recommend that the government open the records in Israel's state archives that relate to the matter, saying, "There is no reason, justification or logical cause to prevent the public from viewing these materials." http://www.haaretz.com/israel-news/1.749825

National news.

Bosnia. The UN Committee on Enforced Disappearances is the body of independent experts which monitors the implementation of the International Convention for the Protection of all Persons from Enforced Disappearance. The Committee issued a set of observations on the report submitted to it by Bosnia. It noted that "the fate and whereabouts of about a third of the 30,000 persons reported missing" in the state party as a consequence of the war remains unknown" and expressed concerned "that challenges, including politicization, have slowed down the verification process of data compiled in the Central Records of Missing Persons." It called on Bosnia to "expedite the process of verifying data in the Central Record[s] of Missing Persons." http://tbinternet.ohchr.org/Treaties/CED/Shared%20Documents/BIH/CED_C_BIH_CO_1_25512_E.pdf

Bosnia's Republika Srpska held a referendum on whether January 9 should be a national Day of Republika Srpska, despite the declaration by the country's Constitutional Court that the referendum was illegal. The referendum commission said that 56% of eligible voters did vote and 99.81% voted "yes." NGOs questioned both the registration of voters and the accuracy of the vote count. Shortly thereafter the Republika Srpska National Assembly passed a law "declaring that the disputed Day of Republika Srpska will continue to be held on January 9 – the day on which the entity was founded in 1992 – but that it will be a secular event" and that "observing the holiday will also not be mandatory for non-Serbs living in the entity," *BIRN r*eported. http://www.balkaninsight.com/en/article/referendum-statistics-lack-oversight-say-analysts-as-turnout-figures-released-09-26-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=69a54f004c-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-69a54f004c-319755321; http://www.balkaninsight.com/en/article/bosnian-serbs-pass-law-on-disputed-holiday-10-25-2016

Canada. The Supreme Court of Canada announced it "would hear the federal government's appeal of a decision that the highly personal accounts" of survivors of Canada's residential schools "should be destroyed after 15 years – unless the individuals decide otherwise," reported *The Globe and Mail*. The testimonies were given to the Independent Assessment Process established to determine compensation for treatment at the schools, and the question is whether the documents are records subject to the archival laws of Canada. For background, see *HRWG News* 2016-04 and 05. http://www.theglobeandmail.com/news/national/top-court-to-rule-on-destruction-of-personal-accounts-of-residential-schools/article32543495/

Egypt. The Habib Center for Environmental Rights filed a lawsuit against two cement companies, arguing that they "failed to disclose required environmental impact assessment studies or details on public hearings before they started using coal in their operations." The Habib Center said "that by using coal without adhering to relevant regulations, the companies are violating the rights to health, healthy environment, participation and access to information." https://business-humanrights.org/en/lafarge-suez-cement-lawsuit-re-air-pollution-egypt

Germany. *Smithsonian.com* reported on a digital recreation of the Asuchwitz-Birkenau camp created for the Bavarian State Criminal Investigation Office that is prosecuting still-living alleged Nazi war criminals. Using "detailed construction plans left by the Nazis," scans of existing structures, "aerial photography and thousands of archival photos of the camps," the virtual reality simulation shows the camp "in both summer and winter conditions." These simulations will become part of the court record in the cases where they are used as evidence and will be a challenge for archival preservation of the case record.
http://www.smithsonianmag.com/smart-news/how-virtual-reality-helping-prosecute-nazi-war-criminals-180960743/?no-ist

Guatemala. A judge ruled that "there is sufficient evidence to initiate criminal proceedings against former army chief Benedicto Lucas Garcia for the illegal detention, torture, and sexual violence committed against Emma Guadalupe Molina Theissen and the enforced disappearance of her 14-year-old brother Marco Antonio Molina Theissen," reported *International Justice Monitor*. Documents for this high profile case already are enmeshed in controversy: in June men broke into the office of the nongovernmental organization Impunity Watch, apparently seeking a lawyer's documents on the Molina case (see *HRWG News* 2016-06), and a Facebook page supporting Guatemala's army published Emma Molina Theissen's March 2011 testimony, an illegal act at this stage of a trial. https://www.ijmonitor.org/2016/10/judge-charges-former-army-chief-benedicto-lucas-garcia-in-molina-theissen-case/

Honduras. Court files on the case of the assassination of Berta Caceres, an environmental activist and indigenous rights leader, were stolen when "assailants carjacked the vehicle" of an appellate court judge at the end of September. The judge said she was taking the files home "to complete an exhaustive examination of the file, which held information on those arrested in connection with Caceres assassination," the Council on Hemispheric Affairs reported. The United Nations office in Honduras "expressed concern," and the chief judge of the supreme court forbade judges to take case files to their homes. http://news.trust.org/item/20161004114629-jklwl/; https://www.yahoo.com/news/theft-case-files-environmentalist-killing-worries-un-012848930.html; http://www.eurasiareview.com/13102016-conspiracy-surrounding-caceres-stolen-case-files-analysis/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Indonesia. The Central Information Commission ruled "that an investigative report of the murder of human rights activist Munir Said Thalib was public information that needed to be disclosed," wrote *The Jakarta Post*, but "the government responded by saying that it did not have the report and did not know its whereabouts." Munir was poisoned with arsenic on a flight from Jakarta to Amsterdam on state-owned Garuda Indonesia airline in 2004; an investigation by the Indonesian government completed its work and handed over its files to the president in 2005, a member of the investigating panel told the *Jakarta Globe*. He said, "If it is not due to poor administration, it can be alleged that the documents have been intentionally removed by those who do not want to see this case resolved."
http://www.thejakartapost.com/news/2016/10/17/culture-secrecy-persists-18-years-after-democratic-reforms.html;
http://jakartaglobe.beritasatu.com/news/munir-murder-files-deliberately-buried-fact-finding-team-member/

Iraq. The UN High Commissioner for Human Rights said he had reports that the Islamic State "is using civilians in and around Mosul as human shields," and a spokeswoman said the Office had "verified information" from local contacts reporting that some 550 families were required to walk to particular locations, ostensibly to be used as shields. Another spokesman for the High Commissioner said he had reports from "a mix of sources" that Islamic State fighters massacred scores of people around the Iraq city of Mosul, reported *Reuters*. Preserving these reports for future use in accountability measures, with the identification of the sources, places, and dates, is an important responsibility of the High Commissioner's records program. http://news.trust.org/item/20161025113708-ugna3 ;
http://news.trust.org/search/?q=islamic+state+seizes+families+as+human+shields+in+mosul&sbd=1

Macedonia. Fallout from the government's controversial lustration process continues, even though the review of police records ended last January. *BIRN* reported that "dozens" of persons who were named as secret police collaborators have taken their cases to the European Court of Human Rights (ECHR) and "around 40" have taken their cases to courts in the country. One man who has taken his case to the ECHR said that "he was spied on by the secret police from 1976 to 1987 under the suspicion that he was an anarcho-liberal" and there is nothing in his dossier that shows he was a collaborator: "no statement about collaboration or any kind of signed statement." For background, see *HRWG News* 2016-07.

http://www.balkaninsight.com/en/article/dozens-of-lawsuits-challenge-macedonia-s-spy-hunt-10-13-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=821b807cd2-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-821b807cd2-319755321

The case of the illegal wiretaps also continued (for background see *HRWG News* 2016-09). The Special Prosecutors' Office (SPO) told the Organized Crime and Corruption Reporting Project that it now has one hard disk from the country's Special Police and has "managed to get data from the communications monitoring system," including "a list of all phone numbers under surveillance in 2015." However, the Special Police destroyed "data from earlier years when they allegedly destroyed surveillance equipment and software procured in 2013." https://www.occrp.org/en/daily/5732-macedonia-special-prosecutor-wins-standoff-over-wiretap-evidence

Mexico. A judge investigating drug cartels was shot and killed while jogging; his murder was captured on a security camera. *UPI* released "an edited version of the disturbing video." http://www.upi.com/Top_News/World-News/2016/10/18/Mexican-judge-probing-cartels-assassinated-during-morning-jog/8801476790799/

Netherlands. The mayor of Amsterdam told the city council that the city accidentally destroyed World War II leasehold files of Jewish Amsterdam residents. Fortunately, the records were digitized, so the information is not lost, reported the *NL Times*. In 2013 the city found that Jewish war victims who went into hiding or were deported in World War II had to pay their "overdue leasehold as well as a penalty when they returned to Amsterdam" after the war. In May the city "made 10 million euros available to the Jewish community as compensation." For background, see *HRWG News* 2013-07.
http://www.nltimes.nl/2016/10/05/amsterdam-accidentally-destroys-wwi-jewish-leasehold-files/

Serbia. The Court of Appeal in Belgrade upheld a lower court ruling against the Humanitarian Law Center and its founder Natasa Kandic, saying they published "untrue factual allegations in its Ljubisa Dikovic File" and ordered them to pay Dikovic, who is the Chief of the Serbian Army General Staff, 550,000 dinars in damages. The press release from the Center after the verdict said the consequences of the ruling "suggest that it is forbidden for members of the public to criticize and subject to scrutiny the responsibility of a state official, even when thousands of pages of authentic evidentiary material testify to it." The Center says it will appeal to the Constitutional Court. http://www.hlc-rdc.org/?p=32806&lang=de

"The former chief of a police task force investigating the 1999 murder of an opposition journalist told a Belgrade court that his probe concluded that State Security was involved in the killing," *BIRN* reported. He said that information that the killer was a man named Luka Pejovic "had been planted." Pejovic himself was killed in 2000 and his murder has never been solved. http://www.balkaninsight.com/en/article/serbian-state-security-involved-in-killing-journalist--10-28-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=70bdaf8d9e-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-70bdaf8d9e-319755321

South Africa. The International Human Rights Clinic at the Harvard University Law School (USA) published a report on the "Environmental, Health, and Human Rights Consequences of Gold Mining in South Africa's West and Central Rand." It based the report on interviews with some 200 people between 2010 and 2016 and also "drew on government and industry documents, scientific studies, news reports and histories of the region" as well as South African, international and regional human rights law. It concluded that "mining not only created environmental and health risks, but it has also prevented community members from realizing numerous human rights." https://business-humanrights.org/sites/default/files/documents/The-Cost-of-Gold-full-report-final.pdf

Syria. *Syria Direct* published an interview with the founding director of the Idlib Antiquities Center, "an organization made up of former museum employees that seeks to protect Idlib's ruins and artifacts" and document "the sale and smuggling of artifacts." He said the Center "documented more than 3,400 artifacts leaving the country." If the Center hears that an artifact is being sold, it tries "to get pictures of it and document it immediately." In addition, the Center has "complete registers" of the holdings of the Idlib National Museum. http://syriadirect.org/news/some-looted-idlib-national-museum-artifacts-resurface-fate-of-others-a-mystery-amidst-%E2%80%98thriving-black-market-trade%E2%80%99/

Thailand. *The Nation* reported that "about 4.25 million land possession documents . . used as proof for the issuance of land-deed documents have not yet been stamped and approved by the Lands Department's

clearance system." This backlog "has been pinpointed as a critical cause of deforestation" because the destruction of the forest "generally involves extended or entirely false claims on land ownership and the grabbing of state land or forest." http://www.nationmultimedia.com/politics/Huge-official-headache-backlog-of-4-25m-Sor-Khor-1-30296740.html

United Kingdom. The Independent Anti-Slavery Commissioner's Annual Report "showed that between August 2015 and September 2016 police forces across Britain recorded 956 modern slavery crimes," compared to 3,359 "potential cases of trafficking referred to the National Referral Mechanism (NRM), established to identify trafficking victims, during the same period," *Thomson Reuters Foundation* reported. Only 127 of the cases brought to the police "resulted in a charge or summons." The Commissioner said the disparity was caused by "a lack of police systems to store and manage NRM referrals and link them to crime records, as well as poor leadership." http://news.trust.org/item/20161012082821-ukl46/; for the report https://www.gov.uk/government/publications/independent-anti-slavery-commissioner-annual-report-2016

The Star reported that the police in South Yorkshire "recently appointed an independent archivist to go through and properly catalogue all the documentation" it has on the "1984 Battle of Orgreave, which saw police officers from around the country and miners clash on a picketline during the National Miners' Strike." At the time 95 miners were arrested, but "their trials later collapsed amid claims that police statements were altered." A further inquiry into the violence has been proposed and is awaiting a decision by the Home Secretary. The South Yorkshire Police and Crime Commissioner said, "We are going to make the archives available as far as we can. At least 20 other police forces must have some sort of archive. We want them all open." The Chief Constable added, "Orgreave is one of several issues that together might be described as the legacy of the South Yorkshire Police. Many of these issues, until they are fully aired, won't go away. I'm very anxious that we learn all of the lessons of the past but then draw a line and move on into the future." http://www.thestar.co.uk/news/call-for-police-forces-across-the-country-to-open-up-orgreave-files-1-8188794

If a bill supported by the Conservative government is adopted, the U.K. will "pardon thousands of gay and bisexual men who were convicted of crimes under sexual offence laws which have now been abolished," *Reuters* reported. (Homosexual acts between men over 21 were decriminalized in 1967 in England and Wales, in 1980 in Scotland and in 1982 in Northern Ireland.) Around 65,000 men were convicted under those laws, of whom about 15,000 are believed to still be alive. "The government said anyone who had been found guilty of consensual homosexual sex would have their names cleared, and for those still living, the offences would be removed from any criminal record checks via a 'disregard process'." Gay rights activists protest that in the past the "disregard procedure" has been "incredibly difficult" to obtain. http://news.trust.org/item/20161020111918-yzp06; http://www.historyworkshop.org.uk/conservative-gay-pardon-for-the-dead-is-a-strategic-distraction-that-harms-the-living/

United States. At the request of the city of San Francisco following high profile shootings of unarmed African-Americans and Latinos, the U.S. Department of Justice investigated the San Francisco police department. Using the existing records in the police department, the investigators found, as expected, bias against minorities; it made 94 "findings" and 272 recommendations to correct "significant deficiencies" in policing. Many of the recommendations involve better documentation of the actions of the officers, including much better documentation on the use of force by officers (findings 4, 5, 8, 19, 20, 33, 34). The report noted the lack of auditing of electronic communications in the department, failure to collect certain data, lack of tracking systems, lack of standards and timetables for completing reports, lack of separate storage for "compelled statements," and others. Finding 35 said, succinctly, "The SFPD does not have sufficient systems, tools, or resources needed to integrate and develop the appropriate data required to support a modern, professional police department," while Finding 68 added, "The SFPD has poor data collection and analysis, which significantly impacts effective overall organization management and accountability." https://ric-zai-inc.com/Publications/cops-w0818-pub.pdf

A study by the Center on Privacy and Technology at the law school of Georgetown University found that facial images of 117 million U.S. citizens—nearly half the population—are stored in face recognition software maintained by police departments of the Federal Bureau of Investigation (FBI). The FBI is "tapping into" driver's license databases with photographs, and "major police departments are exploring real-time face recognition on live surveillance camera video. Real-time face recognition lets police

continuously scan the faces of pedestrians walking by a street surveillance camera." The study is based on 15,000 records obtained from police departments and the FBI, as well as interviews and literature searches. https://www.perpetuallineup.org/

The Intercept published a lengthy report on the ways in which lawyers and other citizens are creating and using open data projects to fight against police misconduct. It focused on a number of projects around the United States that compile "data sources like use of force records, tactical response reports and a wider set of misconduct complaints" to monitor and promote accountability in policing. https://theintercept.com/2016/10/25/open-data-projects-are-fueling-the-fight-against-police-misconduct/

The Center for American Progress, a nongovernmental organization, published a study of guns and violence. It demonstrated that gun fatalities in U.S. states with weaker laws are more than three times as high as those in states with tougher restrictions, including background checks or permits. For data the Center used "information regarding intimate partner gun homicides of women . . obtained from the FBI *Supplementary Homicide Report*, using cases with one victim and one aggressor. Information on mass shootings was obtained from *USA TODAY*, which maintains a real-time database of these incidents beginning in 2006 that has been used by other researchers. Data on police feloniously killed with a firearm were obtained from the FBI *Law Enforcement Officers Killed and Assaulted* reports. Finally, data on fatal shootings by police were obtained from *The Guardian*, which since 2015 has maintained a real-time database of these incidents." In addition, the researchers used data on crime-gun exports from the U.S. government Bureau of Alcohol, Tobacco and Firearm's "annual trace data reports" and data from the U.S. Centers for Disease Control for "overall gun deaths, gun suicides, gun homicides, fatal gun accidents, and gun deaths among people younger than age 21." https://www.americanprogress.org/issues/guns-crime/reports/2016/10/11/145830/america-under-fire/

ProPublica reported on the background to the U.S. Institute of Medicine's decision that pilots who flew planes that had transported the chemical "Agent Orange" (used during the Vietnam War as a defoliant) were eligible for disability benefits if they developed certain medical conditions linked to Agent Orange. The fight to obtain benefits began when an ailing airman, using the Freedom of Information Act, obtained Air Force records recommending the destruction of the aircraft used for the transport because of contamination. https://www.propublica.org/article/alvin-young-agent-orange-va-military-benefits?utm_source=pardot&utm_medium=email&utm_campaign=dailynewsletter

VICE News obtained an Army Institute of Public Health study and two internal military reports on the mental health of troops who worked in the prison at Guantanamo Bay, Cuba. They showed that the troops have "high rates of post-traumatic stress disorders" that previously have been associated with combat-related deployments. Of the 1,422 troops surveyed in 2010, "565 developed behavioral health conditions and showed signs of post-traumatic stress that were directly associated with their Guantanamo deployments." https://news.vice.com/story/guantanamo-guards-have-high-rates-of-post-traumatic-stress-exclusive-documents-show

As a result of the 2016 amendments to the Freedom of Information Act, the Central Intelligence Agency released the final volume of the Agency's *Official History of the Bay of Pigs* (an invasion of Cuba in 1961 that which sought to overthrow the government). The CIA also announced that it "will post its database of declassified CIA documents online." The database has previously been available only at the reading room of the National Archives. It "contains more than 11 million pages of historical Agency records," *Secrecy News* reported. http://fas.org/blogs/secrecy/2016/10/crest-to-go-online/; https://www.cia.gov/library/readingroom/docs/C01254908.pdf

United States/*Washington.* A judge ordered the state to pay sanctions because its' "expert witnesses destroyed documents ahead of a civil trial over the Oso mudslide" in 2014 during which 43 people died, reported *HeraldNet*. "The deleted records were stored on electronic devices used by eight different people," and the state's attorneys were aware of the deletions. The judge said, "The court is having trouble deciding what is worse—a lawyer wrongly directing his experts to delete emails, or a lawyer allowing the non-lawyer experts themselves to make legal decisions about how to handle communications among them." http://www.heraldnet.com/news/attorney-generals-office-sanctioned-over-deleted-oso-emails/

Conferences, Publications.

The Regional State Archives in Goteborg, Sweden, is holding a workshop, "*Private Interests or National Heritage? Corporate Archives and the Production of History in a Global Perspective"* on November 25-26. For information, see http://es.handels.gu.se/avdelningar/avdelningen-for-ekonomisk-historia/workshop-in-economic-history--private-interests-or-national-heritage--

Good reading: the *New York Times* article "Should we see everything a cop sees?" on police body cameras and the use of freedom of information acts to see the bodycam videos.
http://www.nytimes.com/2016/10/23/magazine/police-body-cameras.html?_r=0

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