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<u>Commentary.</u> Looters at Maya sites in Mexico and Moche sites in Peru. Missing pieces at Angkor Wat and its surrounding temples, where ugly slashes show that something was ripped from a wall. Islamic State fighters allegedly selling items taken from archeological sites and institutions like the Mosul Museum. We are heart-sick at these stories. Surely these are crimes against the heritage of us all.

The *New York Times* ran a long article on an art dealer, Subhash Kapoor, who is awaiting trial in Chennai, India, on charges of theft and smuggling an almost unimaginable 2,662 Indian items which he sold or was planning to sell in the United States, Australia or Singapore. Apparently the police case began when a man in Singapore saw a catalog from Kapoor's gallery and noticed that he was selling "an extraordinary number" of Indian items. He alerted the Tamil Nadu, India, police department, who alerted U.S. law enforcement. An arrest warrant was issued by India, which was executed by German officials because Kapoor was in Frankfurt at an exhibition, and he was jailed in Cologne until extradited to India. After obtaining search warrants, the U.S. and Indian investigators "compiled an enormous dossier against Mr. Kapoor: emails and databases seized under search warrants; bank-transfer records and shipping forms, the testimony of former associates." http://www.nytimes.com/2015/07/26/arts/design/the-ultimate-temple-raider-inside-an-antiquities-smuggling-operation.html? r=0

The *Times* followed the movement of one stolen 11th century A.D. bronze saint from its original location in Tamil Nadu to its sale in New York City. The detail the *Times* published allows a look at the variety of records that could be used to document the stolen item:

- 1. The statue is in a temple in a village 200 miles southwest of Chennai. Tamil Nadu statues in that region "had been photographed in the 1960s by French archivists from a scholarly institute in India." Records of an academic institution.
- 2. The statue is stolen in 2006 and delivered to "the owner of an art gallery in Chennai." He pays the thieves \$3000; perhaps cash transfer to thieves but a record in the gallery's bank account.
- 3. The gallery "alerts" Kapoor it has the statue. Probably email business records at both the gallery in Chennai and at Kapoor's gallery in New York; perhaps also telephone call connection records captured the U.S. National Security Agency for a foreign call.
- 4. Chennai gallery owner gets export approval for the statue. "The gallery owner shows Indian export officials fake cargo forms" and the officials certify the cargo as "handicraft products" to be delivered to Nimbus Import Export Inc. in the U.S., which is owned by Kapoor. Records of the Indian government; also a copy in the business records of the gallery in Chennai; probably a copy to Kapoor.
- 5. Chennai gallery owner engages a Chennai export company to take the boxes to a Germanregistered freighter for transport to New York. Business records at the gallery, the export company, and the freighter's company.
- 6. Statue arrives at port in U.S. Freighter provides the "bill of lading" to U.S. Customs. Records with the U.S. government, the freighter company, and probably a copy to the export company and/or the gallery in Chennai to say the crate arrived.
- 7. U.S. Customs sends notice (paper, email) to Nimbus in New York to say cargo cleared for release. Records with Customs and Nimbus.
- 8. Nimbus collects cargo. Signs paper receipt for the crate; copies for both Customs and Nimbus.
- 9. Nimbus delivers to Kapoor's gallery. Probably email, Kapoor to Chennai galley, saying crate arrived. Kapoor enters the statue in business inventory records, probably a database.

- 10. Eight days after receiving the statue, a collector buys it. Kapoor provides the buyer "with phony documentation, including a fake letter of provenance signed by an associate in Singapore who owns an art company." Sale record in gallery's business records; copies in both Singapore and New York of exchange of correspondence between Kapoor and Singapore associate; record of payment in banks of buyer and seller; documentation in private papers of buyer.
- 11. Kapoor wires money from his account at HSBC Bank in New York to the owner of the Chennai gallery via Hong Kong. Business record of payment in Kapoor gallery; records of receipt of money in business records of Chennai gallery; bank records of money transfer; probably email exchanged announcing sale.

So for this case we have relevant records from at least seven businesses, three governments, and an academic institution and two sets of personal papers (the man in Singapore who noticed the unusual sales and the buyer in New York). Archives clearly are an essential part of the evidence that protects cultural heritage and helps prosecute those who would convert the common heritage of all humanity to private gain.

News of the Human Rights Working Group. The time of the meeting of the Human Rights Working Group at the ICA annual meeting in Iceland has changed. It will now meet at 2 p.m. on Saturday, September 26. The agenda will be in the August issue of the *News*; anyone who would like to put an item on the agenda, please send it to trudy@trudypeterson.com. On Sunday, September 27, there will be a joint meeting of the Working Group, the Section of Business Archives and the Section of Professional Associations. Anyone who is not part of those three groups but who wishes to attend the meeting should contact trudy@trudypeterson.com.

International news.

Council of Europe. A report compiled by the Council of Europe's human rights commissioner Nils Muizniek that said Serbia must do more to deal with its wartime legacy and acknowledge what happened in Srebrenica in 1995. In an interview with *BIRN*, Muizniek noted that a major post-war issue in the Balkans is the more than 10,000 people who remain missing from the conflicts of the 1990s and said one way to speed the resolution of their fate would be to open the army and police archives: "It is difficult for me to access why is this not taking place, it could be that certain high-level officials are afraid if archives are open that their names might show up there and cast them in a negative light. This continues to cause suffering for the families, they want closure." <a href="http://www.balkaninsight.com/en/article/tackle-war-crimes-council-of-europe-tells-serbia?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=2af96fc588-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-2af96fc588-311109073 for the report, see https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2015)14&Language=lanEnglish&Ver=original&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383

International Criminal Tribunal for the former Yugoslavia (ICTY). Marking the 20th anniversary of the killings at Srebrenica, *BIRN* published interviews with some of the ICTY prosecutors and investigators who "put together a convincing case that the Bosniaks of Srebrenica were the victims of genocide." The interviewees said that by the end of 1996 the search process was completed and "90 per cent of the detention and execution sites had been analysed" but the exhumations were not finding the number of expected bodies: "Genocide without corpses," said an investigator. "In order to solve the problem, aerial footage was requested from the US government, without which the secondary grave sites—the places to which the bodies had been moved—would never have been discovered."

http://www.balkaninsight.com/en/article/srebrenica-how-to-prove-agenocide?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=e33c6ffd8e-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-e33c6ffd8e-311109073

Mechanism for International Criminal Tribunals (MICT). The *International Justice Tribune* interviewed Theodor Meron, ICTY and MICT president. Asked to respond to criticism for constructing a building for the MICT in Arusha, Tanzania, Meron explained that the UN has to vacate the building the Rwanda tribunal has used, then said, "It is important to remember that one of the main functions of the MICT is to

be the keeper of the archives. Even if the only function the MICT had was to provide proper housing for the archives, the MICT would need to establish the right temperature, the right humidity, the right light, the required strength of the wall and the floors. Archives happen to be not only voluminous, but quite heavy in terms of weight—that alone would be a full justification for the new building."

https://www.justicetribune.com/articles/ictys-meron-looks-back-srebrenica-forward-mict?utm_source=Website+subscriptions&utm_campaign=470aded922-International Justice Tribune 1731 13 2015&utm_medium=email&utm_term=0_06c93d2f9c-470aded922-265196677

<u>United Nations.</u> A conference marking the 20th anniversary of Srebrenica was held in The Hague, and the U.S. nongovernmental National Security Archive began posting on line documents from the conference's briefing book. "The conference organizers plan to publish the entire evidence base from the conference, along with a rapporteur's report of findings and conclusions, and a final edited transcript of the discussion," which included more than 30 "eyewitnesses to international decision-making around the Srebrenica genocide." http://nsarchive.gwu.edu/NSAEBB/NSAEBB519-Srebrenica-conference-documents-detail-path-to-genocide-from-1993-to-1995/

The three-person Independent Panel of Experts issued its report on the 1961 plane crash that killed UN Secretary-General Dag Hammarskjold and 15 other passengers. The panel said it found "significant new information" that the plane was brought down by "aerial attack or other interference." Neither the United States nor the United Kingdom provided access to all the archives that the panel requested. The panel made recommendations that deal with archives: (1) "explore the feasibility of the establishment of a central archival holding or other holistic arrangement" for all the "records and archives containing information on the conditions and circumstances" that led to the crash, including all the medical and postmortem information, (2) "urge Member States to disclose, declassify or allow privileged access to the Secretary-General" for information about the event; and (3) "require the United Nations, as a matter of continuity and priority, to further critically address remaining information gaps, including the existence of classified material and information held by Member states and their agencies that may shed further light on this fatal event and its probable cause or causes." For the report, see https://daccess-dds-ny.un.org/doc/UNDOC/GEN/N15/178/07/PDF/N1517807.pdf?OpenElement; for an article about the report, see https://news.vice.com/article/what-ny.un.org/doc/UNDOC/GEN/N15/178/07/PDF/N1517807.pdf?OpenElement; for an article about the report, see https://news.vice.com/article/what-ny.un.org/doc/UNDOC/GEN/N15/178/07/PDF/N1517807.pdf?OpenElement; for an article about the report, see

ny.un.org/doc/UNDOC/GEN/N15/178/07/PDF/N1517807.pdf?OpenElement; for an article about the report, see https://news.vice.com/article/what-does-the-uk-know-about-the-mysterious-plane-crash-that-killed-a-un-secretary-general

United Nations High Commissioner for Human Rights and United Nations Assistance Mission for Iraq. The two United Nations bodies published a joint report *Protection of Civilians in the Non-international Armed Conflict in Iraq.* They estimated that nearly 15,000 people were killed and 30,000 wounded during a 16-month period ending April 30, by the Islamic State group, Iraqi security forces and others, and that as many as 3,000 to 3,500 people "remain captives of the IS group." The information "is based, where possible, on testimonies obtained directly from the victims, survivors or witnesses of violation and abuses of international human rights law and/or violations of international humanitarian law." In addition, information was obtained from "government officials and institutions, local and international media, local non-governmental organizations, civil society actors, human rights defenders, tribal leaders, religious leaders, political figures, and UN entities operating in Iraq." Because of the conflict, the staff members of the UN lacked direct access to "many parts of the country" which made "documentation and verification of incidents and their impact on civilians challenging. As a result, the actual numbers of civilian casualties could be much higher than recorded." http://reliefweb.int/report/iraq/report-protection-civilians-armed-conflict-iraq-11-december-2014-30-april-2015; for the report, see http://reliefweb.int/sites/reliefweb.int/files/resources/UNAMI_OHCHR_4th_POCReport-11Dec2014-30-April-2015.pdf

United Nations High Commissioner for Refugees (UNHCR). The Lebanese foreign minister informed UNHCR that the Lebanese government refuses to recognize the birth registrations for displaced Syrians in Lebanon that are issued by UNHCR and requested "an end to the registration procedures in order to maintain Lebanon's relationship with UNHCR," reported *Al-Monitor*. The foreign minister said that UNHCR "has to cooperate with the Syrian Embassy and not with us, and give the displaced Syrian documents instead of Lebanese ones." The minister of social affairs then told the press that "Syrians born in Lebanon are not eligible for any Lebanese benefits." Lebanon has an estimated 1,200,000 registered displaced persons and an unknown number of unregistered ones; at the request of the Lebanese government UNHCR suspended registration in early May 2015. <a href="http://www.al-monitor.com/pulse/originals/2015/07/lebanon-syria-refugees-unhcr-gebran-bassil-rejection.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=02b4ba4be2-July_22_2015&utm_medium=email&utm_term=0_28264b27a0-02b4ba4be2-93088897; https://data.unhcr.org/syrianrefugees/country.php?id=122

World/general news.

July 2014 crash of Malaysia Airlines Fight 17. News Corp Australia published a video "that appears to show Russian-speaking fighters rifling through the belongings of victims at the crash site," CNN reported. News Corp Australia said "Russian-backed rebels filmed the footage using a camcorder" without saying how it obtained the video but said it had turned the footage over "to international investigators." http://www.cnn.com/2015/07/17/europe/ukraine-mh17-aftermath-video/index.html

"Black site" photographs. At the end of June, the *Washington Post* reported that the U.S. Central Intelligence Agency holds approximately 14,000 external and internal photographs of "black sites"--the secret locations where al-Qaeda suspects were held after 9/11--including facilities in Thailand, Afghanistan, Poland, Romania and Lithuania. According to the *Post's* sources, the photos also show CIA personnel and members of foreign intelligence services, include "images of naked detainees during transport," but do not include photographs of interrogations. Defense attorneys for Guantanamo Bay prisoners demanded access to the photographs. https://www.washingtonpost.com/world/national-security/cia-photos-of-black-sites-could-complicate-guantanamo-trials/2015/06/27/7b1177bc-1912-11e5-93b7-5eddc056ad8a_story.html

Guantanamo Bay prison videotapes. A judge ordered the U.S. government to complete security-related redactions by August 31 of eight U.S. government videotapes of a Guantanamo Bay detainee being forcibly removed from his cell and tube-fed and to furnish all remaining tapes by September 30. The tapes are evidence in a legal challenge to the prison conditions. As of June 2015, 116 persons are still held at the prison. http://www.reprieve.org/judge-orders-us-government-to-prepare-guantanamo-force-feeding-videos-for-release.html

Nazi crimes. A researcher at the University of Strasbourg in eastern France recently discovered "tissue samples" of 86 victims of the Nazis, reported *VICE News*. The discovery came after the researcher found a document written in 1952 by the director of the university's forensic science school that "outlined the storage details of the jars containing the tissue samples with the aim of using them as evidence in a legal case" against the Nazi scientist August Hirt, who had remains delivered to him after the victims were killed. The jars containing the tissue samples were labeled, and the labels "identify each piece with precision and mention the register 107969, which matches the number tattooed at the Auschwitz camp on the forearm of Menachem Taffel, one of the 86 victims." https://news.vice.com/article/remains-of-nazi-doctors-experiment-victims-found?utm_source=vicenewsemail

Right to be forgotten and Google. The BBC published a list of all stories that have had links removed from Google searches as part of the "right to be forgotten" ruling of the European Union Court of Justice. http://www.bbc.com/news/technology-33287758

<u>Data breaches</u>. *Informationisbeautiful.net* posted on line a graphic representation of the world's largest data breaches (breaches when more than 30,000 records were lost). http://www.informationisbeautiful.net/visualizations/worlds-biggest-data-breaches-hacks/

Bilateral and multilateral news.

Bosnia/Netherlands. International Justice Tribune published an article by the attorneys for the non-governmental organization Mothers of Srebrenica, which is suing the Netherlands because of the 13 July 1995 expulsion of Bosnian men from a UN compound in Bosnia controlled by a Dutch battalion operating as part of the United Nations force in Bosnia (UNPROFOR), after which the men were killed. The attorneys wrote, "A problem in the proceedings against the State lies in the State's selective disclosure of information. By labelling important information as a state secret, the State has thus far filtered inconvenient matters. But secrets are difficult to keep and this one was recently broken when minutes of Dutch cabinet meetings held in July 1995 revealed that the State already had knowledge of the high risk of genocide on 11 July 1995." <a href="https://www.justicetribune.com/articles/inside-legal-battle-mothers-srebrenica-against-dutch-state?utm_source=Website+subscriptions&utm_campaign=470aded922-International Justice Tribune 1731_13_2015&utm_medium=email&utm_term=0_06c93d2f9c-470aded922-265196677

Cameroon/France. In a first for a French head of state, during a visit to Cameroon, a former French colony, French president Francois Hollande officially acknowledged that France repressed separatist movements in the 1950s and French "forces quashed the Bamileke people in Sanaga maritime, in the country's western province." He said, "We are prepared, as we've always been, to open up the history books and search the archives," reported *RFI*. Although declassification of archives on the massacres "falls short of an official apology" the combination of "acknowledging the massacres and opening up the history books could have a domino effect on France's relationship with Cameroon." http://www.english.rfi.fr/africa/20150705-hollande-acknowledges-colonial-era-cameroon-massacres-critics-want-apology; http://koaci.com/cameroun-declassification-archives-massacre-camerounais-france-vague-satisfactions-politiques-societe-civile-lopinion-102857.html

<u>Cameroon/Nigeria.</u> Cameroon expelled over 2000 Nigerians who were living in Cameroon "without permits," reported *thenewsnigeria.com*. http://thenewsnigeria.com.ng/2015/07/31/breaking-cameroon-expels-2000-nigerians/

<u>Canada/Guatemala.</u> At the end of June the Ontario Court of Justice "ordered Hudbay Minerals to disclose extensive internal corporate documentation to the Guatemalan plaintiffs who are suing Hudbay Minerals in Ontario for alleged murder, shooting and gang rapes that occurred at the company's Fenix mine in Guatemala in 2007 and 2009," the Canadian Network on Corporate Accountability announced. http://cncarcrec.ca/important-court-ruling-in-the-hudbay-minerals-guatemala-human-rights-lawsuit/

Colombia/United States. A federal appeals court ruled that the U.S. Securities and Exchange Commission (SEC) must release "some 9,257 pages of records produced by Chiquita Brands International to the SEC as part of an investigation of the company's illegal payments to a Colombian terrorist organization, the United Self-Defense Forces of Colombia (AUC), a group responsible for egregious acts of violence during Colombia's civil war." For background, see *HRWG News* 2013-04 and 09. http://nsarchive.gwu.edu/news/20150717-Court-Rejects-Chiquitas-Bid-to-Hide-Terror-Payment-Records/

Dominican Republic/Haiti. The head of the UN Working Group of Experts on People of African Descent urged the government of the Dominican Republic "to prevent arbitrary deportations of Haitian migrants and Dominicans of Haitian descent and to address allegations of racial profiling during deportations," *Thomson Reuters Foundation* reported. "The Dominican government says there will be no mass and/or unlawful deportations, but those unable to register and lacking identity documents risk expulsion." The UN says "difficulties in obtaining documents for the regularization process and lack of information" are creating fear. For background, see *HRWG News* 2014-05 and 09 <a href="http://www.trust.org/item/20150729135843-89dg4?utm_medium=email&utm_campaign=Weekly+Digest+290715&utm_content=Weekly+Digest+290715+CID_a6a5d067bcddec029b1cdfb37cf80533&utm_source=Campaign%20Monitor&utm_term=UN%20urges%20Dominican%20Republic%20to%20prevent%20deportations%20of%20Haitians

Egypt/Switzerland/United States. Based on "documents received from the Egyptian government after the January 25 Revolution, stating the funds had been illegally smuggled out of the country," in 2012 the Swiss public prosecutor froze accounts in Swiss banks in the name of former president Hosni Mubarak, his two sons, and 31 of his aides. Now the Egyptian government has established a national committee for reclaiming funds and assets abroad, including those in Switzerland and the United States, reported *Al-Monitor*. The committee "will be empowered to receive reconciliation requests submitted by people whose names are on asset freeze lists abroad, or submitted by their attorneys. This may encourage people to repay the government in exchange for leniency on charges of illegally taking public money outside the country." <a href="http://www.al-monitor.com/pulse/originals/2015/07/egypt-money-smuggling-switzerland-repatriate-funds-sisi.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=7733e6e800-July_03_2015&utm_medium=email&utm_term=0_28264b27a0-7733e6e800-93088897

Germany/United States. "Germany named a former senior judge as special investigator to inspect a list of targets that German intelligence tracked on behalf of the U.S. National Security Agency," reported *Reuters*. The investigator will "inspect the list of targets, including the IP addresses of individual computers, and report back to the committee." The *Examiner* added, "Newly released documents from WikiLeaks revealed that the United States did not just 'bug' German Chancellor Merkel's telephone but also eavesdropped on several ministers." http://www.reuters.com/article/2015/07/01/germany-usa-spying-idUSL8N0ZH47N20150701; http://www.examiner.com/article/german-media-special-investigator-named-to-prove-u-s-nsa-spying-allegations

Guatemala/United States. A Guatemalan appeals court found that the mining company EXMINGUA and its parent company, the U.S.-based Kappes, Cassiday & Associates, were operating "without permit, authorization or approval" from the municipal council of the area where the mine is located and ordered "the suspension of construction activities at the mine," reported the nongovernmental organization Guatemala Human Rights Commission—USA. The court said the company does not have a legal license to operate: "the contradiction between relevant [municipal records] is more than evident . . . the mining company does not possess a construction permit." The court ruled that the residents have a right to be consulted about projects that affect them; the communities had argued to the court that the municipal council "had the responsibility to act given [its] knowledge that the company had broken the law by operating without a construction permit, having documentation regarding concerns about water quality and contamination, and not carrying out valid prior community consultation."

 $\frac{https://ghrcusa.wordpress.com/2015/07/17/victory-for-la-puya-guatemalan-court-orders-suspension-of-construction-operations-at-the-el-tambor-mine/$

<u>Iraq/Islamic State</u>. The Islamic State released a 22-minute video showing "its June 2014 massacre of hundreds of mostly Shiite military recruits in Tikrit," reported *AFP*. <a href="https://news.vice.com/article/islamic-state-releases-new-footage-showing-scenes-from-massacre-of-1700-iraqi-troops?utm_source=vicenewsemail; <a href="https://news.vice.com/article/islamic-state-releases-new-footage-showing-scenes-from-massacre-of-1700-iraqi-troops?utm_source=vicenewsemail; https://news.yahoo.com/releases-footage-2014-tikrit-massacre-o12845108.html

<u>Islamic State.</u> Archivists always require information about the organization of the entity whose records they are managing. The article "The Islamic State's organizational structure one year in" posted by *Al-Monitor* gives an overview of the extent and functions of IS. <a href="http://www.al-monitor.com/pulse/security/2015/07/islamic-state-caliphate-ministries-armies-syria-iraq.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=7733e6e800-July_03_2015&utm_medium=email&utm_term=0_28264b27a0-7733e6e800-93088897;

Israel/Palestine. Villagers in the Palestinian town of Susya have been fighting an Israeli plan to relocate them and then demolish houses near an archeological site; the Israeli government has disputed that the Palestinians own the village. The Israeli daily *Haaretz* reported, "Sussia, the Palestinian village in which structures are slated for demolition, sits on private Palestinian land owned by local people, according to a document of the IDF's Civil Administration obtained by *Haaretz*." The document is an 1881 title deed for the land of the village from the records of the Ottoman Empire. According to Istanbul's *Daily Sabah*, "Acknowledgement of the Ottoman title deed may not halt the demolition, as the deed only covers land ownership, not building ownership, but the new finding may at least stop the evacuation of Palestinians from the village." http://www.haaretz.com/news/diplomacy-defense/.premium-1.667817#!; http://www.haaretz.com/news/diplomacy-defense/.premium-1.667817#!; http://www.dailysabah.com/life/2015/07/27/ottoman-era-deed-saves-palestinian-village-in-west-bank

In June 1976 an Air France flight carrying 246 passengers and crew members was hijacked by Palestinian and German militants and eventually forced to land at the Entebbe airport in Uganda. Non-Jewish passengers were released but 106 people remained hostages for a week until a raid by Israeli troops rescued 102 (3 were killed during the action and one left behind). Israel's defense ministry now has released the "military operations log for Operation Entebbe," the "handwritten notes passed between then-defense minister Shimon Peres and then prime minister Yitzhak Rabin in which Peres's apprehension over the fate of the mission was evident," and a video of Israeli hostages welcomed home after the rescue, reported the *Jerusalem Post*. http://www.jpost.com/page.aspx?pageid=7&articleid=407845

<u>Panama/United States.</u> Panama announced that it will establish a truth commission to "examine the U.S. invasion of Panama" that "toppled military dictator General Manuel Noriega" at the end of 1989, reported *AAP*. An estimated 3000 or more people were killed during the invasion, "but the exact number of victims and their identities isn't known because many bodies were buried in mass graves." http://www.dailytelegraph.com.au/news/breaking-news/truth-commission-on-us-invasion-of-panama/story-fni0xqlk-1227428039725

Records seized by the U.S. during the invasion have yet to be returned to Panama; see Douglas Cox, "The Lost Archives of Noriega" at http://www.bu.edu/law/central/jd/organizations/journals/international/volume32n1/documents/Cox-THE-LOST-ARCHIVES-OF-NORIEGA.pdf

National news.

Algeria. Historians are campaigning to open the government archives from the period of the 1 November 1954 revolution. They argue for the declassification and description of the records and their preservation because they are "at risk of deterioration." http://www.huffpostmaghreb.com/2015/07/19/des-historiens-plaident-pour-louverture-des-archives-de-la-revolution-du-ler-novembre_n_7827196.html

<u>Australia</u>. The *Guardian Australia* reported, "International Health and Medical Services (IHMS) has been unable to locate asylum seekers in its care because of poor records from the immigration department" and that "documents from the medical care provider for Australia's detention centres say that individuals' medical data and even their location can be incorrect." These are asylum seekers held in Australia and on Manus Island and Nauru. http://www.theguardian.com/australia-news/2015/jul/23/immigration-records-so-poorly-kept-that-ihms-could-not-locate-asylum-seekers

The Royal Commission investigating child sexual abuse was told by persons who as children were placed in Out of Home Care that it is "virtually impossible to access their own case files" because of extremely stringent privacy concerns, reported the *Sydney Morning Herald*. http://www.smh.com.au/nsw/royal-commission-into-child-sexual-abuse-children-in-care-denied-access-to-their-own-files-20150629-gi0opo.html

BHP Billiton, a major multinational mining, metals and petroleum company, made available "a long-sought-after register of people killed at the Newcastle steelworks" between 1926 and 1964, reported the *Newcastle Herald*. A BHP Billiton vice president said that using the original register it has "compiled a register with names, the date of death, and if they were work-related" but not the details of the deaths: "We have not included the nature of the fatality as some descriptions are confronting and may cause undue stress to families." http://www.theherald.com.au/story/3221055/bhps-book-of-work-fatalities-found/

<u>Brazil.</u> The recently concluded National Truth Commission (CNV) began turning its records over to the national archives where they will be made available for public use. http://www.dci.com.br/politica/acervo-de-investigacoes-da-comissao-da-verdade-sera-aberto-ao-publico-id484091.html

Canada/British Colombia. The Vancouver Sun reported that "political staff" in the government of British Colombia "deliberately destroyed internal records about the Highway of Tears to prevent them from becoming public, alleges a former employee." Eighteen girls and women were murdered or went missing along Highway 16 in northern British Colombia between 1969 and 2006. The chief of the Lake Babine Nation, which is located along the highway, said "the possible deletion of records bothers him because they could have contained information that would have benefited his community."

http://www.vancouversun.com/news/government+accused+deliberately+destroying+Highway+Tears+internal+records/11090247/story.html

Chile. In 1986 three military patrols seized a teenage boy and girl, beat them, "doused them with petrol and set them ablaze," trucked them to a ditch 20 kilometers from Santiago and left them to die. The girl survived. Now a special prosecutor is reinvestigating the case; a man who was in one of the patrols has confessed; and thirteen former soldiers and officers have been arrested. Carmen Gloria Quintana, the survivor, told *Al Jazeera*, "I demand that the civilian powers and the president give the army a deadline to reveal the truth and bring those responsible of rights violations before the courts. This cannot continue. Enough of this silence!" http://www.aljazeera.com/blogs/americas/2015/07/pinochet-chile-carmen-gloria-quintana-150730045457725.html

Colombia. The International Committee of the Red Cross estimated that nearly 70,000 people went missing during the 50 years of war between the government and rebel groups. The excavation team of the attorney general's office has excavated 6,000 bodies since 2007, of which only about half have been identified, *Reuters* reported. "Rights groups say investigators rely too much on testimony from ex-fighters and fail to use other techniques: interview with communities, records of armed groups' movement or satellites and radar." A German forensic expert said Colombia needs to compile "a definite database of the disappeared" because after the "flashy exhumations are done" if the bodies aren't identified "you end up with warehouses full of remains." http://www.reuters.com/article/2015/07/28/us-colombia-missing-idUSKCN0Q228820150728

At the peace talks between the government and the FARC rebel group, the FARC continued to push for the establishment of a truth commission. FARC commander Ricardo Tellez said "he considered urgent not

only to implement the Commission, but also to open files (State secrets related to the conflict), counting on the victims as major figures of the new stage of reconciliation," reported *Prensa Latina*. http://www.plenglish.com/index.php?option=com_content&task=view&id=4019571&Itemid=1

<u>Cyprus.</u> The UN diplomat overseeing the talks between the Turkish Cypriot and Greek Cypriot leaders announced that they have agreed to establish "an independent Property Commission mandated to resolve property claims based on mutually agreed criteria," reported the *Financial Mirror*. Land records will be crucial resources. http://www.financialmirror.com/news-details.php?nid=34373

Democratic Republic of Congo. The International Center for Transitional Justice issued a report "The Accountability Landscape in Eastern DRC." It found that "over the past two decades of conflict, the Congolese government has failed to fulfill its legal obligation to effectively guarantee the legal and judicial protection of its citizens." The second part of the report "describes the judicial response between 2009 and 2014 to international crimes committed in the eastern DRC and analyzes the challenges." The report is based on "53 interviews with individuals involved in the justice sector" and compared the information it gathered "with information and data from other sources." Among the report's recommendations are "Create a clear, fair, and transparent system of reporting through which the work of judges is assessed according to results" and "Support the judiciary in establishing an information management system within the military and civilian judicial sector. Establish a system of information sharing with the judiciary that protects the confidentiality of sources and facilitates the systematic sharing of information on the commission of serious crimes." https://www.ictj.org/sites/default/files/ICTJ-Report-DRC-Accountability-Landscape-2015.pdf

Egypt. The Cairo Post reported, "Perpetrators of sexual harassment in 340 incidents, mostly verbal, have been released [from detention] because no girls arrived to sign police reports." All the incidents apparently occurred during the first day of Eid al-Fitr; the Post said, "Sexual harassment is particularly rampant in Cairo during feasts." For background on the problem of sexual harassment in Cairo, see HRWG News 2014-12. http://www.thecairopost.com/news/160386/inside_egypt/sexual-harassers-in-340-reports-released-after-girls-failed-to-sign?mkt_tok=3RkMMJWWfF9wsRonv6nPcu%2FhmjTEU5z17u0kUKCg38431UFwdcjKPmjr1YIHS8Jhl%2BSLDwEYGJlv6SgFSLHMMa12z7gLXx1%3D

France's Constitutional Council approved the majority of provisions of a new law that gives France's intelligence agencies the authority to monitor French citizens' domestic communications and conduct bulk analysis of metadata, among other authorities. The judges struck down one provision they decided did not go far enough in determining the regulations on use, conservation and destruction of the information gathered (see paragraph 78 of the decision). This expansion of authority in the wake of the attacks in Paris in January may be understandable, but it goes in the opposite direction of the protections demanded after Edward Snowden revealed the extensive bulk data collection practices in the United States. See also United Kingdom and United States below. http://www.conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2015/2015-713-dc/decision-n-2015-713-dc-du-23-juillet-2015.144138.html

Guinea. Human Rights Watch (HRW) issued a report "Guinea: Security Force Excesses, Crimes." It found, "Some members of Guinea's security forces used excessive lethal force, engaged in abusive conduct, and displayed a lack of political neutrality when responding to election-related opposition protests in April and May 2015." HRW said it conducted research in six neighborhoods, interviewed 111 victims or witnesses to the violence as well as "political party and community leaders, diplomats, and government representatives," and visited and reviewed records at seven clinics and hospitals that had treated the wounded. From the medical records, HRW estimated that at least 146 people were wounded; however, "judicial authorities" interviewed by HRW said "few victims of violence by any side filed police reports or reported the crime to the competent judicial authorities, indicating a lack of faith in the judicial system." The inspector general of police told HRW, "Each time before intervening in a public disturbance, very clear instructions, both written and oral, are given: they must not use arms, or any other lethal means." The gendarmerie spokesman said "similar instructions are given to gendarmes." The archives of the police and gendarmerie could verify those assertions. https://www.hrw.org/news/2015/07/30/guinea-security-force-excesses-crimes

<u>Japan.</u> Access-Info Clearinghouse Japan, a Tokyo-based nongovernmental organization, "launched a digital archive of public documents on the 2011 nuclear catastrophe at the Fukushima No. 1 plant, so

people can examine whether administrative bodies have pursued appropriate policies since the disaster started," reported *The Japan Times*. http://www.japantimes.co.jp/news/2015/07/31/national/npo-launches-digital-archives-fukushima-nuclear-disaster/#.Vb7DvxnVTIU

<u>Libya</u>. A court in Tripoli sentenced Saif al-Islam Gaddafi, the son of Libya's former dictator Muammar Gaddafi, to death in a trial that included 36 other defendants. After the verdict, the United Nations Support Mission in Libya (UNSMIL) issued a statement saying that "the trial did not meet international standards of fair trial in a number of ways." Among the failures: "The prosecution did not present any witnesses or documents in court, confining itself entirely to the written evidence available in the case file, thus missing a historic opportunity to construct a public record of crimes committed by the former regime – a key step in Libya's transitional justice process." UNSMIL also noted that defense lawyers said they "faced challenges in . . . accessing the full case file." For background, see *HRWG News* 2014-04.

http://unsmil.unmissions.org/Default.aspx?tabid=3543&ctl=Details&mid=6187&ItemID=2099165&language=en-US; for an article, see http://www.theguardian.com/world/2015/jul/28/saif-al-islam-sentenced-death-by-court-in-libya-gaddafi-son

Russia. The state archives service published on its website a "secret memo by Stalin-era prosecutors arguing that legends of heroism attributed to a group of soldiers credited with having heroically halted Nazi tanks headed for Moscow before perishing together on the battlefield" were not accurate. At least several of the 28 men survived. Quoting "the *Titr* news portal," *The Moscow Times* reported that the producer of a new film on the heroic "28 Panfilovtsy" (men of the Panfilov division) "denounced the state archives' publication of the memo as undermining the 'moral potential' of the nation."

http://www.themoscowtimes.com/news/article/russian-archives-cast-doubt-on-legends-of-soviet-war-heroes-the-28-panfilovtsy/525353.html

Serbia. A Belgrade court will consider a "rehabilitation request" to clear the name of Yugoslavia's World War II prime minister Milan Nedic, who was declared a war criminal after the war. Nedic's great-grandson and supporters claim that Nedic "was actually a victim of persecution" and that his suicide in a prison cell in 1946 "was actually murder," reported *BIRN*. World War II era records will be central to the case. In May Serbia "rehabilitated" Dragoljub Draza Mihailovic, the leader of Yugoslav Army Chetnik forces during the war, who was executed in 1946 for high treason and Nazi collaboration. For background on that case, see *HRWG News* 2015-02. <a href="http://www.balkaninsight.com/en/article/serbia-s-wwii-leader-nedic-awaits-rehabilitation?utm_source=Balkan+Transitional+Justice+Daily+Newsletter&utm_campaign=861bac03fe-RSS EMAIL CAMPAIGN&utm_medium=email&utm_term=0_561b9a25c3-861bac03fe-311109073

Spain. The University of Barcelona launched a project to manage the DNA samples of people who are looking for the bodies of relatives who disappeared during the Spanish civil war and who may be in "any of the 344 mass graves that are in Catalonia." Managing the DNA bank also requires managing the records that document the identity of each donor. http://www.ub.edu/web/ub/en/menu_eines/noticies/2015/07/032.html

<u>Syria.</u> The website of the Syrian Observatory for Human Rights, the U.K.-based nongovernmental organization that keeps track of the crimes being committed throughout Syria, "was subject to a systematic hacking operation and wiping out its data by a party calling itself the 'Cyber Army of the Khilafah,'" Rami Abdurrahman, the activist who created the site, wrote on his Facebook page. The site was back within 24 hours, reported *VICE News*. https://news.vice.com/article/they-will-not-be-able-to-gag-us-syrian-human-rights-monitor-defiant-after-islamic-state-hacks-website

The Observatory said that since the beginning of January it has documented the deaths of 52 children under the age of 16 used as soldiers by the Islamic State. IS has a program for child soldiers called "Cubs of the Caliphate," reported *AFP*. http://www.telegraph.co.uk/news/worldnews/islamic-state/11741503/Dozens-of-child-soldiers-recruited-by-Isil-in-Syria-killed-since-the-start-of-2015.html

<u>United Kingdom.</u> The high court decided that the Data Retention and Investigatory Power Act of 2014, which required "internet and phone companies to keep their communications data for a year and regulates how police and intelligence agencies gain access to it" is illegal and inconsistent with European Union law, reported *The Guardian*. http://www.theguardian.com/world/2015/jul/17/data-retention-and-surveillance-legislation-ruled-unlawful

As the country continues to uncover evidence of child abuse, a search by the Cabinet Office found relevant files "in a set of previously uncatalogued records called 'Cabinet Secretary miscellaneous papers',"

reported the *BBC*. The documents include a letter from Sir Anthony Duff, the head of MI5 (the U.K. Security Service) to the Cabinet Secretary in 1986 about a Member of Parliament who denied he had a "penchant for small boys" in which Duff said that "the risk of political embarrassment to the government is rather greater than the security danger." Other documents "make reference to the Kincora boys' home in northern Ireland, which was at the centre of a child abuse scandal between the 1950s and the 1980s." http://www.bbc.com/news/uk-33631594

<u>United Kingdom/Northern Ireland.</u> In 2009 Northern Ireland authorities signed an agreement with the Independent Safeguarding Authority (ISA, the U.K. government entity now called the Disclosure and Barring Service) to screen the backgrounds of those applying for work with children, in healthcare or for fostering or adopting children. The agreement specified that the files on cases transferred to ISA "were on loan to the ICA and that information was not to be destroyed." However, the Home Office informed the House of Commons that 64 files have been destroyed and "some material in a further 18 documents was destroyed and another two lost" of the total of 826 case files loaned. A consultant's report on the loss of records said it "found issues with the management of paper files" and will next review "the case file management process for England and Wales in addition to Northern Ireland."

 $\underline{http://www.belfasttelegraph.co.uk/news/northern-ireland/home-office-admits-northern-ireland-safeguarding-records-destroyed-31382378.html$

<u>United States.</u> The Office of the Director of National Intelligence said that after November 29, 2015, National Security Agency analysts will not be permitted to access the NSA's bulk telephone database of U.S. domestic calls from the last five years. "Technical personnel" will have access for another three months "for data integrity purposes"; after that the data will be destroyed unless it is the subject of "pending civil litigation." Under legislation passed in June 2015, from now on the government may not routinely acquire that type of data. http://icontherecord.tumblr.com/post/125179645313/statement-by-the-odni-on-retention-of-data

ProPublica "acquired Medicare billing records for in-patient hospitals stays from 2009 through 2013" for eight common elective surgeries. It then assembled panels of doctors to review each type of surgery to determine the surgical complication rates and produced a searchable database named "Surgeon Scorecard" that reports "adjusted complication rates for 16,827 surgeons operating at 3,575 hospitals." https://projects.propublica.org/surgeons

USA TODAY Media Network obtained records from "more than 1,000 police departments" which showed that "at least 70,000 sexual assault kits containing evidence from reported rapes and other sexual offenses that were never sent to labs for testing." In addition to indicating the lack of effort to investigate these crime, it also means that the record of the DNA evidence from the tests has not been entered into the Federal Bureau of Investigation's CODIS (Combined DNA Index System) database which is used nationally to identify repeat offenders. http://www.usatoday.com/story/news/2015/07/16/untested-rape-kits-evidence-across-usa/29902199/

ProPublica and *The Atlantic* reported that the Federal Bureau of Investigation built the Violent Criminal Apprehension Program database more than 30 years ago, but "only about 1,400 police agencies in the U.S., out of roughly 18,000 participate in the system. The database receives reports from far less than 1 percent of the violent crimes committed annually." A similar system in Canada is "endorsed by senior police officials as an important tool in tracking down killers and rapists." Canadian law requires data to be entered into its system; the U.S. does not. <a href="http://www.propublica.org/article/the-fbi-built-a-database-that-can-catch-rapists-almost-nobody-uses-it?utm_source-et&utm_medium=email&utm_campaign=dailynewsletter&utm_content=&utm_name="http://www.propublica.org/article/the-fbi-built-a-database-that-can-catch-rapists-almost-nobody-uses-it?utm_source-et&utm_medium=email&utm_campaign=dailynewsletter&utm_content=&utm_name="https://www.propublica.org/article/the-fbi-built-a-database-that-can-catch-rapists-almost-nobody-uses-it?utm_source-et&utm_medium=email&utm_campaign=dailynewsletter&utm_content=&utm_name="https://www.propublica.org/article/the-fbi-built-a-database-that-can-catch-rapists-almost-nobody-uses-it?utm_source-et&utm_medium=email&utm_campaign=dailynewsletter&utm_content=&utm_name="https://www.propublica.org/article/the-fbi-built-a-database-that-can-catch-rapists-almost-nobody-uses-it?utm_source-et&utm_name="https://www.propublica.org/article/the-fbi-built-a-database-that-can-catch-rapists-almost-nobody-uses-it?utm_source-et&utm_name="https://www.propublica.org/article/the-fbi-built-a-database-that-can-catch-rapists-almost-nobody-uses-it?utm_source-et&utm_name="https://www.propublica.org/article/the-fbi-built-a-database-that-can-catch-rapists-almost-nobody-uses-it?utm_source-et&utm_name="https://www.propublica.org/article/the-fbi-built-a-database-that-can-catch-rapists-almost-nobody-uses-it?utm_source-et&utm_name="https://www.propublica.org/article/the-fbi-built-a-database-that-can-catc

Yet a third FBI database was in the news: the National Instant Criminal Background Check System, which lists persons prohibited from purchasing a gun. The list is supposed to include "people convicted of felonies and certain misdemeanors, drug abusers and those convicted of certain drug crimes, and anyone whom a court has involuntarily committed for being dangerously mentally ill," but there is no requirement that states add names to the database, reported the *New York Times*. "Some states have highly automated record-keeping, while other have more room for human error and some still work with paper records; some scour old cases for names to add, but most do not bother; and states use varying standards for committing people to mental hospitals against their will." The database is supposed to be checked by the seller before the gun is sold, but in two recent cases—one a killing of nine people in a South Carolina church and the

other the killing of two people in a Louisiana theater—murderers who should have failed a background check were able to obtain a gun. http://www.nytimes.com/2015/07/28/us/problems-riddle-system-to-check-buyers-of-guns.html? r=0

"The Board of Directors of the American Psychological Association has recommended that the organization ban psychologists from taking part in interrogations conducted by the military or intelligence services, a prohibition long sought by critics of the APA's involvement with a Central Intelligence Agency program, widely viewed as practicing torture, under the administration of President George W. Bush," reported *The Chronicle of Higher Education*. http://chronicle.com/blogs/ticker/psychological-associations-board-urges-a-ban-on-members-role-in-military-interrogations/101887?cid=bn&utm_source=bn&utm_medium=en

The Pamunkey Indian Tribe of Virginia gained federal recognition as a Tribe. The Department of the Interior said the Pamunkeys met the seven mandatory criteria for recognition, including providing a "list of its current members who descend from a historical Indian tribe and who are not also members of another federally recognized tribe" and "governing documents describing its governance procedures and membership criteria." The Pamunkey Chief told *vagazette.com* that the "Pamunkey were lucky to find minutes from council meetings dating as far back as 1899 scattered throughout the homes on the reservation." Federally recognized tribes are entitled to receive certain federal benefits, services, and protections; at present, there are 566 federally recognized American Indian and Alaska Native tribes and villages. http://www.bia.gov/cs/groups/public/documents/text/idc1-030832.pdf; http://www.vagazette.com/news/va-vg--pamunkey-tribe-0702.0.3579110.story

<u>United States/California</u>. The quarter of the rods at the base of a new tower on the San Francisco Bay Bridge are "sitting in standing bay water because a contractor failed to adequately grout the steel tubes surrounding them," reported *Bay City News*. The rods "are designed to keep the tower from sliding on its concrete and steel foundation during an earthquake" and the question is how long they will last if they sit in water. A "complication in determining the cause and extent of the damage to the rods is sorting through 158 boxes of hard copy records and almost 37,000 electronic records related to the project. Some of the records relating to the initial construction of the rods have been difficult to locate, but the experts on the panel [studying the problem] hope those records could glean new insight into at what point water stated seeping into the steel tubes surrounding the rods." http://kron4.com/2015/07/09/bay-bridge-committee-approves-1-1m-more-to-fix-anchor-rod-problems/

<u>United States/Georgia.</u> The U.S. Department of Justice investigated the Georgia Network for Educational and Therapeutic Support (GNETS) and found that the state "has been illegally and unnecessarily segregating thousands of students with behavioral issues and disabilities, isolating them in run-down facilities and providing them with subpar education," reported *ProPublica*. The Department's letter to Georgia said the Department had "reviewed tens of thousands of pages of records, as well as annual GNETS Program reviews," audits, strategic plans, and interviewed "a range of stakeholders." The Department threatened that state with a lawsuit if the problems are not corrected. http://www.propublica.org/documents/item/2185493-department-of-justice-gnets-letter-of-findings.html

Yemen. Cell phone call data records, which track "the volume of traffic, timing, and location of calls," were used by a team of researchers to examine "patterns of Yemeni daily life." In an article in *Foreign Affairs*, they report that although the Yemeni government portrays the rebel Houthis "as polarizing agents of Iran and demand their withdrawal from the large Yemeni cities they control," the call records "from the northern Houthi stronghold of Saada over three years predating Houthi expansion across Yemen don't show any particularly strong connections to Iran, with fewer than 500 calls to and from Iran in that period as compared with almost five million calls to and from Saudi Arabia." https://www.foreignaffairs.com/articles/yemen/2015-07-06/yemen-calling

Publications, awards, requests.

The 21th *Annual Report* of the Network of Concerned Historians, compiled by Antoon De Baets, was published. It contains news about the domain where history and human rights intersect, especially about the censorship of history and the persecution of historians, archivists, and archaeologists around the globe,

as reported by various human rights organizations and other sources. It mainly covers events and developments of 2014 and 2015. http://www.concernedhistorians.org/content/ar.html

A primer "Data, human rights and human security" was published by the Data and Society Research Institute. http://www.datasociety.net/pubs/dhr/Data-HumanRights-primer.pdf

The Society of American Archivists gave its 2015 Waldo Gifford Leland Award to Michelle Caswell for her 2014 book, *Archiving the Unspeakable: Silence, Memory, and the Photographic Record in Cambodia* (Madison, WI: University of Wisconsin Press, 2014) which concerns the photographs created by the Khmer Rouge at Tuol Sleng prison in Phnom Penh. http://ampersand.gseis.ucla.edu/michelle-caswell-book-on-human-rights-archives-wins-saa-award/

The Unrepresented Nations and Peoples Organization (UNPO) and the Belgian-based NISE (National Movements and Intermediary Structures in Europe) "aim to compile a 'State of the Archives' of unrepresented nations and peoples worldwide, especially UNPO Members (and affiliates) as part of a larger action plan aimed at safeguarding endangered archives of national and regional movements." For the questionnaire, see https://docs.google.com/a/unpo.org/forms/d/1xSFLOmIJQSVxnvV7P_yOiNHny5Em7q5AwwWNXYI8ip8/viewform; the deadline has been extended to mid-October 2015.

For a potential project to create a community for the Guantanamo Bay prison detainees, organizers would like to know of any truth commissions that involved issues related to prisoners of war. Anyone who has information, please contact Andrea Copeland, Indiana University at Indianapolis, ajapzon@iupui.edu.

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

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