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Commentary.

Losing a loved one is painful at any time, but holidays often bring special sadness. On Christmas Eve in Finland families go to the cemetery and scoop a bit of snow from the front of gravestones and put lighted candles there. The entire cemetery glows with remembrance of loss and an honoring of past lives. It is a lovely tradition, but one that is not available to too many families in other parts of the world where brothers and sisters and fathers and cousins remain missing.

“The missing” features in many human rights discussions, but the term is often imprecise because there are so many sorts of missing. (We can usually eliminate from the conversation those who choose to be missing, from the person evading arrest to the person cutting ties with family.) There are the violently missing but known or presumed to be alive, such as the Chibok girls captured by Boko Haram or the Colombians who were captured by non-state actors and held for ransom. There are those whose fate is known—that is, that they are dead—but whose bodies have not been recovered, such as the 16 Serbian citizens of Bosniak ethnicity from the town of Sjeverin who were kidnapped and killed in 1992 by members of Bosnian Serb forces during the Balkan war (<http://www.hlc-rdc.org/?p=32816&lang=de>) or the mass-buried dead of World War I or the pilots shot down in combat or the boats sunk, with the remains now at the bottom of the sea. There are those whose fate is suspected but not definitively known, such as the 43 students who vanished in Iguala, Mexico, in 2014. This autumn Sweden finally declared Raoul Wallenberg dead after the family, having waited seventy-one years, gave up on obtaining confirmation of his fate. (<http://www.cnn.com/2016/11/01/europe/raoul-wallenberg-holocaust-hero-declared-dead/index.html>). And there are those whose fate is simply unknown: the three-year-old girl seized by ISIS whose family’s vigil was profiled in a poignant article by *Reuters* (<http://www.reuters.com/article/us-mideast-crisis-iraq-mosul-child-idUSKBN13P18G>) or the Argentine babies seized at birth and their mothers killed, the infants adopted without the knowledge of the mother’s family and the grandchildren now sought by the Grandmothers of the Plaza de Mayo.

How can archives help resolve the fates of these missing persons, if not locate their remains? If state actors were involved, we have a great variety of possible archival sources to provide clues or definitive information about the missing, from police and military and intelligence service records to hospital and morgue and cemetery archives. Non-state actors, such as the Islamic State, are known to create documents on at least some captures and transfers of females among fighters, and some of this documentation is being captured (see IS below); in the near future the FARC in Colombia presumably will provide access to some of its documentation. And now archives are beginning to preserve records of DNA samples from relatives of the missing. The International Committee of the Red Cross has in its archives DNA samples from the families of the missing in Chile and will begin to preserve the same from Lebanon. Protecting the samples and—most importantly—the identity of the donors and the analyses of the samples is a solemn responsibility.

So as we approach the end of the calendar year, with its many cherished traditions, by all means light a candle for your loved ones. And then also light one for those whose fate is still unknown and their aching families.

International news.

European Union (EU). In its annual progress reports for Bosnia and Herzegovina, Serbia, and Kosovo, the European Commission staff told the various EU entities that all three countries need “to do more to deal

with the crimes committed during the wars of the 1990s and their enduring impact,” *BIRN* reported. The Kosovo report said the government needs to “allocate resources and resume data entry in the central register of missing persons, which stopped in August 2014.” http://www.balkaninsight.com/en/article/eu-raps-balkan-states-over-war-crimes-progress-11-09-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=40162f06b3-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-40162f06b3-319755321

The EU Institutions agreed on a regulation on conflict minerals “which aims to stop the financing of armed groups in developing countries through the trade of tin, tantalum, tungsten and gold.” The EU Trade Commissioner said, “The rules . . . are a huge step forward in our efforts to stop human rights abuses and armed conflict financed by trade in minerals.” Good recordkeeping in the member countries will be required to ensure that the regulation is enforced. http://europa.eu/rapid/press-release_IP-16-3931_en.htm

International Criminal Court (ICC). The Prosecutor issued the annual “Report on Preliminary Examination Activities” for the period 1 November 2015 to 30 September 2016. Among the examinations, the Prosecutor said it has “compiled a comprehensive database of over 800 incidents alleged to have occurred in the context of the situation in Ukraine since 20 February 2014,” and concluded that “the situation within the territory of Crimea and Sevastopol amounts to an international armed conflict between Ukraine and the Russian Federation” a conflict that arose when Russian forces went into Crimea “without the agreement of the government of Ukraine.” Following release of the report, Russia announced it will “withdraw” from the Court, reported *Eurasia Review*. http://www.eurasiareview.com/17112016-hague-court-rules-against-russia-on-crimea-so-moscow-withdraws-from-rome-agreement-oped/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29 Also in the report, the Prosecutor said there was a “reasonable basis” to open investigations into “war crimes of torture and related ill-treatment by US military forces deployed to Afghanistan and in secret detention facilities operated by the Central Intelligence Agency, principally in the 2003-2004 period, although allegedly continuing in some cases until 2014.” For the report of the prosecutor, see https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf

Thomson Reuters Foundation published a feature on a group of Cambodian farmers who requested the ICC to investigate their displacement from their land “to make way for sugar plantations.” The article notes that “after taking power in 1975, the Khmer Rouge destroyed property records,” and although since 1992 “the government has been rebuilding its property registry” the land titling program will not have all of the country’s land formally registered until 2023. In September the Prosecutor said the ICC will start investigating environmental and land cases (see *HRWG News* 2016-09), and “legal experts have interpreted this statement as a major shift in the court’s approach with Cambodia the test case.” <http://news.trust.org/item/20161122140350-ze9ur/>

International Centre for the Settlement of Investment Disputes (ICSID). For 15 years, villagers and the Canadian mining company Gabriel Resources have been in conflict over the “plan to build a huge gold mine in Rosia Montana, a Romanian village [which has] intact Roman mining shafts and 18th century houses,” reported *Thomson Reuters Foundation*. The villagers are not only concerned about the destruction of the site but also the potential that the mine would “pollute the local environment with cyanide used in the mining process.” Gabriel Resources appealed to ICSID, the World Bank’s international arbitration tribunal, seeking a reported \$4 billion in compensation from the Romanian government (“about two percent of the Romanian economy”) for its losses because the project has not gone ahead. Villagers complained that they are “unable to access any documents” related to the ICSID process. The spokesman for ICSID said the parties (the company and the government of Romania) had not “authorised” publication of “any of the documents so far submitted to or issued by the tribunal” but ICSID would publish the documents on its website once the two parties agree to make them public. <http://news.trust.org/item/20161109120330-gdr44/>

Kosovo Specialist Chambers. In 2015 Kosovo established the Specialist Chambers and the Specialist Prosecutor’s Office to investigate, prosecute, and try “international crimes committed during and in the aftermath of the conflict in Kosovo between January 1, 1998, and December 31, 2000.” *BIRN* published a long interview with the new chief prosecutor who, under the law, is entitled to use “evidence collected in criminal proceedings or investigations within the subject matter jurisdiction of the Specialist Chambers prior to its establishment by any national or international law enforcement or criminal investigation

authority or agency including the Kosovo State Prosecutor, any police authority in Kosovo, the ICTY [International Criminal Tribunal for the former Yugoslavia], EULEX Kosovo [European Union legal staff in Kosovo] or by the SITF [Special Investigation Task Force].” *BIRN* noted that “all of these institutions have thousands of pages of testimonies, reports, orders and other documents that could be used.”

http://www.balkaninsight.com/en/article/schwendiman-new-kosovo-war-court-not-anti-albanian--11-14-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=0a258ca864-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-0a258ca864-319755321

United Nations. After days of fighting in South Sudan last July, the Secretary-General established a panel to look into the UN peacekeeping mission’s “failure to fully implement its mandate to protect civilians and U.N. staff during the fighting,” *Reuters* reported. Based on “desk reviews” and 67 interviews in South Sudan, the panel found that “during the attack, civilians were subjected to and witnessed gross human rights violations, including murder, intimidation, sexual violence and acts amounting to torture perpetrated by armed government soldiers.” Among the recommendations is that troop contributing companies should “confirm . . . in writing (compact) that troops are willing and able to conduct” their assigned responsibilities. The records of the panel will be important if South Sudan and the troop contributing countries are to hold the perpetrators and peacekeepers accountable. <https://www.yahoo.com/news/u-n-peacekeepers-failed-respond-south-sudan-hotel-113309799.html>; for a summary of the report, see http://www.un.org/News/dh/infocus/sudan/Public_Executive_Summary_on_the_Special_Investigation_Report_1_Nov_2016.pdf

World/general news.

Business records. For a decade Chiquita Brands International, Inc. (the fruit company) has been sued by group of Colombians who allege that Chiquita conspired with a paramilitary organization to suppress labor unrest, leading to the murders of family members who worked in the regions where the company was growing bananas. The suit was brought in the United States because of the dangerous conditions in Colombia for litigants. Chiquita argued that the U.S. case should be thrown out: it should be tried in Colombia for efficiency because Chiquita wants to take the testimony of current and former government officials “in addition to the discovery of Colombian government and judicial records from criminal investigations against paramilitaries.” Chiquita acknowledged “that key evidence related to the Defendants’ state of mind is associated with Chiquita’s corporate headquarters in Ohio, and other locations in the United States where pivotal meetings and decision-making took place.” While noting the argument, the judge ordered the U.S. case to proceed to trial. See pp. 14-15 of decision posted at https://www.earthrights.org/sites/default/files/documents/order_denying_defendants_joint_motion_to_dismiss_.pdf

The Economist printed a story about firms with a “dark corporate past” and the willingness to look at their histories. C&A, the Dutch clothing retailer, commissioned a corporate history, allowing the researcher “unrestricted access to private files” and permitting publication of the result, which showed the company’s cooperation with the Nazis during World War II. Another historian “assessed 100 companies that thrived in Germany in 1938 and still exist in some form today” and found that “only 30 have yet organized a serious scholarly assessment of their wartime activities, while 40 have done nothing at all, including five companies which” the scholar says, “were very heavily involved in Nazi crimes.” *The Economist* concluded that “instead of worrying about skeletons in the cupboard, a firm that squarely faces up to its yesterdays should learn how to behave better today.” <http://www.economist.com/news/business/21709349-dutch-case-suggests-firms-horrible-stains-their-history-are-better-facing-up>

“The U.S. Federal Trade Commission wants a federal judge to allow the agency to take additional testimony from Volkswagen AG’s U.S. unit over allegations the German automaker intentionally destroyed documents last year over its diesel emissions scandal,” *Reuters* reported. “VW admitted in September 2015 to installing secret software in its diesel cars to cheat exhaust emissions tests and make them appear cleaner . . . than they really were. In reality the vehicles emitted up to 40 times the legally allowable pollution levels.” <http://www.reuters.com/article/us-volkswagen-emissions-idUSKBN1362AO>

In 2014 a fire at Iron Mountain’s warehouse in Argentina “led to the deaths of ten volunteer firefighters and civil defence members.” A lawsuit against the U.S. corporation by the families of the victims “for the crime of havoc due to the various deaths” is ongoing. The company is “accused of foul play” in the fire, which authorities labelled arson and “believe the fire was used to destroy evidence of tax evasion and money-

laundering operations by Iron Mountain's clients, including HSBC and BNP Paribas," reported *The Argentina Independent*. The Directorate General of Labour Protection of the City "made several serious complaints against the business and storage practices of Iron Mountain since the 2014 fire." Now Banco Ciudad (a publicly owned municipal bank in Buenos Aires, founded in 1878) has contracted with Iron Mountain to store its corporate records. The attorney for the victims urges that the contract with this important bank be "reviewed by the Legislature." <http://www.argentinaindependent.com/currentaffairs/latest-news/newsfromargentina/outcry-after-iron-mountain-wins-banco-ciudad-bid/>

"Two human rights groups . . . filed a legal complaint in Paris against cement firm Lafarge, saying some of its work in Syria may have made it complicit in financing Islamic State and in war crimes," *Reuters* reported. The groups say Lafarge entered into "arrangements with ISIS" including buying "passes"; *Le Monde* said the plant "paid taxes to Islamic State in 2013 and 2014." Corporate records will be at the heart of the evidence. <http://uk.reuters.com/article/uk-mideast-crisis-syria-lafarge-idUKKBN13A24F>

Land. In 2015 the International Corporate Accountability Roundtable and Global Witness launched a "Tainted Lands" project to examine the "risk of both grand corruption and petty bribes in large-scale land deals" and develop recommendations. The project has issued a report, which says "corruption may play a role at six interconnected phases of land leasing and acquisition" beginning with "the demarcation of land and the rolling out of titling schemes." Several recommendations urge transparency in negotiations for land acquisition; it also argues that access to information acts should allow monitoring of land purchases and that legislation should ensure "that public servants divulge the assets they and their families own at the start and end of their tenure in office and regularly throughout." <https://www.globalwitness.org/en/reports/tainted-lands-corruption-large-scale-land-deals/>

Privacy. Amnesty International (AI) ranked eleven technology companies "based on the extent to which they are approaching encryption as a human rights issue, rather than solely as one of digital security." AI said that around the world individuals are at risk "from private communications data being illegitimately obtained as a result of mass or targeted surveillance, government requests for user data that do not fulfill requirements under international law, or from malicious hackers or criminals compromising the security of the service." Calling "encryption a vital enabler of human rights, in particular for the rights to privacy and to freedom of expression and opinion," AI looked at instant messaging services offered by the eleven, and gave Facebook's WhatsApp the highest score (73 out of a possible 100 points). <https://www.amnesty.org/en/documents/POL40/4985/2016/en/>

Bilateral and multilateral news.

Africa. Rwanda hosted the "first African Truth and Reconciliation Commission Conference." The participants decided to create the Pan-African Reconciliation Network that will develop a database, a website, and a social media presence to exchange information and to "enable the identification of practitioners" who can assist "society and countries undergoing reconciliation processes." The Institute for Justice and Reconciliation, a nongovernmental organization based in South Africa, will organize the project. <http://reliefweb.int/report/world/no-justice-no-peace-without-local-organisations-lessons-first-african-truth-and>

The Mo Ibrahim Foundation launched "a new data portal that collects and measures statistics on issues like safety, human rights and economic opportunities" in 54 African countries, reported *Quartz Africa*. The data come from "15 years of statistics that the foundation has collated through censuses, surveys and other sources." Mo Ibrahim said, "Without sound national data, there is no way you can define adequate public policies nor measure their outcomes." http://qz.com/845658/the-mo-ibrahim-foundation-launches-an-online-data-portal-to-track-statistics-on-governance-in-africa/?utm_source=Quartz+Africa+Weekly+Brief&utm_campaign=6ae9109c06-EMAIL_CAMPAIGN_2016_11_27&utm_medium=email&utm_term=0_d51626a6f9-6ae9109c06-57559133

Algeria/France. The tension between Algeria and France over the colonial-era records of French Algeria continued, with Algeria's Minister of Veterans telling *Middle East Monitor* that "his country has received [copies of] just two percent of the archive." <https://www.middleeastmonitor.com/20161101-france-accused-of-hiding-its-archive-smuggled-during-colonial-era/>

Algeria/International Committee of the Red Cross (ICRC). Algeria and ICRC signed an agreement by which ICRC will give Algeria copies of ICRC archives relating to the humanitarian actions it carried out in Algeria during Algeria's war of independence (1955-1962). <http://www.aps.dz/algerie/49137-le-cicr-remetra-%C3%A0-l-alg%C3%A9rie-une-copie-d-archives-sur-ses-actions-pendant-la-guerre-de-lib%C3%A9ration-nationale>

Dominican Republic/Haiti. Human Rights Watch (HRW) reported on the now stateless people pushed out of the Dominican Republic and into Haiti, focusing on pregnant women and young children who not only are "deprived of their right to nationality" but also are "not getting the assistance they so desperately need." HRW called on the Dominican government to "end arbitrary deportations," to "immediately restore the full nationality of all those affected" and "ensure all children born in the country have identity documents." Haiti, where "between one and two million Haitians may be undocumented" and thus were not able to vote in Haiti's November 20 presidential election, also needs to solve its registration system. <https://www.hrw.org/news/2016/11/29/haiti-stateless-people-trapped-poverty>

India/United Kingdom. "The Foreign Office has pulled dozens of files from the National Archive amid fears that they contain details of British military assistance in India's crushing of Sikh dissent in the 1980s," reported *The Times*. In June 1984 the Indian army assaulted Sikh militants at the Golden Temple in Amritsar where thousands of people were killed and the temple destroyed. The UK government has said that other than "a visit by a military adviser in February 1984," no UK military assistance was given to the Indian government in its crackdown on Sikhs through the 1980s. For background, see *HRWG News* 2014-02. <http://www.thetimes.co.uk/edition/news/files-on-sikh-massacre-are-withdrawn-to-hide-sas-role-5r8v890s5>

Iraq/Syria/United States. The U.S. Defense Department's Central Command, "after months of reviewing reports and databases to resolve cases in which coalition airstrikes may have resulted in civilian casualties," determined "that over the past year, 24 U.S. airstrikes targeting the Islamic State of Iraq and the Levant may have killed as many as 64 civilians and injured eight others in Iraq and Syria," *DOD News* reported. Officials said the investigation used "the military's own records, combined with an exhaustive review of reports from outside sources, from news media reports, nongovernmental organizations and other U.S. government departments and agencies." http://www.eurasiareview.com/10112016-in-past-year-us-airstrikes-killed-64-civilians-in-iraq-and-syria-according-to-centcom-review/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Islamic State/IS/ISIL/ISIS. Several articles reported on IS documents found by press and military. In villages near Mosul in northern Iraq that were seized by Iraqi security forces and Kurdish fighters, *Reuters* found in former IS offices "slick, colourful posters, pamphlets and documents" that "highlight Islamic State's intense focus on dictating what it called proper Islamic behaviour for the citizens of the caliphate." One pamphlet included "32 questions and answers on how to deal with female captives," including who has the "authority to distribute female captives" among fighters and the authority to take pre-pubescent girls as concubines. <http://news.trust.org/item/20161101162858-mfejdl> *The Times* reported that a British general said documents obtained in July "by Western-backed Kurdish and Arab militias from the former Isis haven of Manbji, in the Aleppo governorate of northern Syria," included "detailed information on Islamic State plots to attack Europe." <http://www.thetimes.co.uk/edition/news/isis-files-reveal-plots-against-europe-csn3kxkzb> And *Iraqinews.com* reported that "Iraqi intelligence teams have seized the Islamic State's notary archives south of Mosul." A "security source" said the archives included "computers, financial and agricultural registries, sale and rental contracts for farmlands taken over by the group and later rented out to its members for expensive rates under the name of the 'agricultural and animal resources authority'." It also has information "on the group's financial dealings with other countries." A photograph accompanying the article shows an "ISIS combatant's ID carrying the group's seal." <http://www.iraqinews.com/iraq-war/intelligence-seize-isis-mosul-archives-group-adopts-stamped-safeguard/>

Israel/Yemen. Israel's government decided to "declassify some 400,000 documents relating to allegations that hundreds of Yemenite children were kidnapped from Israeli hospitals in the 1950s and handed over to wealthy families for adoption," reported *The Times of Israel*. For background, see *HRWG News* 2016-10. http://www.timesofisrael.com/liveblog_entry/government-votes-to-declassify-yemenite-children-archives/

National news.

Bolivia. The Foreign Minister announced that diplomatic documents from the 1966-1979 dictatorships will be declassified, including records relating to Operation Condor and the murder of Che Guevara. The Bolivian Association of Relatives of the Detained and Disappeared welcomed the prospect of access to the archives and said it will “ask for the formation of a multidisciplinary committee to analyze the released documents” and “demand the creation of a truth commission to investigate past crimes and to find the whereabouts of the victims’ relatives,” *Telesur* reported. http://correodelsur.com/seguridad/20161122_cancilleria-abre-archivos-clasificados-de-dictaduras.html; <http://www.telesurtv.net/english/news/Bolivia-to-Declassify-Operation-Condor-and-Che-Murder-Files-20161122-0047.html>

Canada. The Federal Court of Canada ruled that information relating to wiretaps cannot be maintained indefinitely by the Canadian Security intelligence Service (CSIS), which apparently “was secretively holding onto phone logs and e-mail trails that it had mapped out around targets of past investigations, even when it was forced to destroy the underlying intercepted conversations,” reported *The Globe and Mail*. The Court noted that following recent legislation, CSIS has “vastly increased” access to “data held by other federal departments” and “no longer needs a warrant to obtain information from the Canada Revenue Agency” (the tax authority). <http://www.theglobeandmail.com/news/national/in-scathing-ruling-federal-court-says-csis-bulk-data-collection-illegal/article32669448/>

The Royal Canadian Mounted Police (RCMP) “provided unprecedented access to the *Toronto Star* and the *CBC* in an effort to make its case that antiquated laws and diminished police powers in the digital age are allowing suspected terrorists, drug gangs and child abusers to operate beyond the law,” the two media outlets reported. The journalists were allowed to review “the details of 10 high-priority cases” which the RCMP said were “stonewalled by legal and technical obstacles in accessing digital evidence.” <https://www.thestar.com/news/canada/2016/11/15/top-secret-rcmp-files-show-digital-roadblocks-thwarting-criminal-investigations-in-canada.html>

Central African Republic. Analyzing satellite imagery of a camp for displaced people at the town of Kaga-Bandoro, Human Rights Watch (HRW) “identified a least 175 destroyed homes in the neighborhoods around the camp and 435 destroyed huts in the camp itself.” Linking the images with interviews with 32 victims and witnesses in the town and in the country’s capital, HRW concluded that at the camp on October 12 “Seleka rebels killed at least 37 civilians, wounded 57, and forced thousands to flee” and that “United Nations peacekeepers deployed outside the camp . . . failed to halt the attack.” The International Criminal Court has been investigating crimes dating from August 2012 in the country; in addition, CAR has a Special Criminal Court, which is “a new judicial body with national and international judges and prosecutors that has a mandate to investigate and prosecute grave human rights violations committed in the country since 2003.” All the records created and obtained by HRW will be useful to these prosecutors. <https://www.hrw.org/news/2016/11/01/central-african-republic-deadly-raid-displaced-people>

Colombia. Colombia’s Congress approved a revised peace accord between the government and the FARC rebels. The government will now create three transitional justice bodies: a Special Jurisdiction for Peace (*Jurisdicción Especial para la Paz*); a Commission for the establishment of the Establishment of the Truth, the Coexistence, and the Non-repetition (*Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición*); and a Special Unit for Missing Persons (*Unidad Especial para la Búsqueda de Personas dadas por Desaparecidas en el contexto y en razón del conflicto*). Each of these will create important archives and will need access to existing records of the parties to the long conflict. <https://www.mesadeconversaciones.com.co/sites/default/files/24-1480106030.11-1480106030.2016nuevoacuerdofinal-1480106030.pdf>

El Salvador. *El Faro*, a digital newspaper in San Salvador, in cooperation with the *New York Times*, investigated the finances of the gangs that terrorize El Salvador. *El Faro* estimated that the MS-13 gang had an annual revenue of about \$31.2 million “based on information in the 1,355-page file of Operation Check, to which *El Faro* got exclusive access” from the National Civil Police, including records of wiretapped conversations. The reporters concluded that the gangs are not “sophisticated criminal enterprises” but rather are “mafias of the poor” within which money is distributed inequitably. <http://news.tfonline.com/post/153468799127/killers-on-a-shoestring-the-gangs-of-el-salvador>

Ethiopia. The State of Emergency Inquiry Board released “the names and reasons of arrest for over 11,000 people believed to have taken part in violent anti-government protests in parts of the country” since the

State of Emergency was proclaimed on October 8, reported *Ghana Star*. The *Addis Standard* added, “The board also published several detention camps throughout the country where detainees are being held.”

<http://addisstandard.com/inquiry-board-says-11-607-people-detained-ethiopia-declared-state-emergency/>;
<https://www.ghanastar.com/international/ethiopia-releases-list-of-over-11000-state-of-emergency-detainees/>

Germany. “Over the past 18 years, Volkswagen became something of a pioneer in revealing the company’s employment of thousands of forced laborers during World War II. But it has abruptly parted ways with the company historian who helped make that possible,” reported the *New York Times*. The company denied that the historian had been fired, but 75 historians wrote an open letter to the company protesting his departure. Meanwhile, the company announced that it has appointed another historian “to clarify the group’s role during the military dictatorship in Brazil,” reported *Agence France Presse*. “The move comes after former employees filed a civil lawsuit in Brazil last year which claimed 12 workers were arrested and tortured in a VW factory near Sao Paulo during the 1964-1985 dictatorship, and dozens of people there were placed on a blacklist.” <http://www.derechos.org/nizkor/espana/doc/vwnazis1.html>;
<https://www.theguardian.com/business/2016/nov/04/volkswagen-historian-research-torture-claims-brazils-military-dictatorship>

India. The *Thomson Reuters Foundation* published a series of articles on India that show the large documentary challenges the country has. “Matters related to land and property make up about two-thirds of all civil cases in India, according to a recent study by Bengaluru-based legal advocacy group Daksh.” India’s Rajasthan state is setting up an “independent authority” to verify land titles in its cities. After “examining the chain of ownership and checking owners’ documents against state records, the authority will issue a guaranteed title, a process expected to reduce litigation.” <http://news.trust.org/item/20161102134952-glxf5f/>. In order to crack down on illegal mining activities, especially those that lead to deforestation and involve child labour, the ministry of mines launched “a satellite-based mining surveillance system” and is “exploring the use” of drones. These will create archival records that the government must preserve. <http://news.trust.org/item/20161102122443-pae5d/>. Under the Forest Rights Act, indigenous people and forest dwellers have the right “to manage and govern their traditional forests and resources.” According to the Ministry of Tribal Affairs, “More than four million individual claims and about 1.1 million community claims were filed as of August 31” of which “about 1.7 million individual and 47,443 community claims have been distributed.” The controversial law certainly is generating a lot of records. <http://news.trust.org/item/20161118090337-5qash/>. In sharp contrast, “India has seen a 70 percent drop in cases filed under an anti-trafficking law between 2001 and 2015, which experts attribute to a lack of reporting of the crime and more sex workers moving out of brothels to escape police detection among other factors.” The drop in sex trafficking cases “is in contrast to a more than doubling of crimes against women” recorded by the National Crime Records Bureau over the same period. Of the total number of human trafficking cases in 2015, 44% were cases of procuring minor girls. <http://news.trust.org/item/20161122154129-lai0v/>

Indonesia. The government’s new Electronic Information and Transactions Law includes a “right to be forgotten” clause. A researcher for the Institute for Policy Research and Advocacy said that “the practice of online content deletion would put ‘people’s right to information’ in jeopardy,” reported *The Jakarta Post*. <http://www.thejakartapost.com/news/2016/11/02/right-be-forgotten-be-upheld-government.html>

Iran. “Ahmad Montazeri, the son of a high-ranking political and religious cleric, has received a 21 year prison sentence for publishing an audio file belonging to his father that proves state involvement in the execution of 4000 political prisoners in Iran in the year 1988,” reported *Radio Zamaneh*. His clerical status was also “defrocked.” The sentence was subsequently reduced to 6 years in prison. For background, see *HRWG News* 2016-08. http://www.eurasiareview.com/30112016-iran-21-year-sentence-for-disclosing-file-on-state-execution-of-4000-political-prisoners/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Japan. In contrast to Indonesia’s new law, the Tokyo District Court “dismissed a convict’s demand to have Google Inc. remove records of his fraud case over a decade ago from its internet search results,” reported *Japan Times*. <http://www.japantimes.co.jp/news/2016/10/28/national/crime-legal/japan-court-rejects-removal-arrest-record-google-search-results/>

Jordan. The International Human Rights Clinic at Harvard Law School and the Norwegian Refugee Council issued a report describing “Syrian refugees’ experiences obtaining government-issued identity cards and birth and marriage certificates outside the [refugee] camps—documentation that enables refugees

to prove their legal status, identity, and family relationships in Jordan.” The report “outlines the relevant official processes, the challenges refugees encounter, and the consequences faced by those who lack documentation.” It notes that the lack of documentation implicates “a range of human rights, including rights to health, education, birth registration, nationality, legal identity, and freedom of movement.” <https://www.nrc.no/globalassets/pdf/reports/securing-status.pdf>

Macedonia. “Macedonia’s Special Prosecutor’s Office announced . . . it is investigating 10 current and former members of the . . . country’s secret service for taking part in the illegal wiretapping of nearly 6,000 citizens between 2008 and 2015,” reported the Organized Crime and Corruption Reporting Project. <https://www.occrp.org/en/daily/5827-macedonia-special-prosecutor-investigates-secret-service-for-illegal-wiretapping>

Morocco. *Jadaliyya*, a publication of the Arab Studies Institute, published an essay by Susan Gilson Miller that links the Moroccan Truth Commission’s need to find a place to preserve its “thousands of dossiers relating to the grim politics” it investigated and the establishment of the national archives. <http://profiles.jadaliyya.com/pages/index/25584/why-history-matters-in-post-2011-morocco>

Myanmar. Human Rights Watch (HRW) reviewed “high-resolution satellite imagery recorded on the morning of October 22” and “identified multiple areas of probable building destruction” in three villages in northern Rakhine State that are inhabited by the Rohingya people. It also “reviewed thermal anomaly data collected by an environmental satellite sensor that detected the presence of multiple fires burning” in villages on October 9 and 14. HRW and other rights groups allege that the Myanmar army is committing serious human rights abuses against the Rohingya. <https://www.hrw.org/news/2016/10/31/burma-satellite-images-show-fire-damaged-villages>

Human Rights Watch said that farmers are being pushed off their land in Karen State. Villagers told HRW that “local land offices are inaccessible and that officials at times refuse to register land or failed to uphold rights against moneyed interests.” HRW recommended expanding “programs to ensure effective and fair land registration processed for individuals in conflict-affected and formerly conflict-affected areas” and improving existing local land administration, including “government monitoring systems to collect land statistics” that clearly show which land is held by women and which by men. <https://www.hrw.org/report/2016/11/03/farmer-becomes-criminal/human-rights-and-land-confiscation-karen-state>;

Serbia. The Humanitarian Law Center (HLC) filed a criminal complaint regarding a “war crime committed in October 1991 against Croat civilians in the village of Lovas in Croatia” by a former commander in the Yugoslav People’s Army named Dusan Loncar. According to HLC, Loncar ordered the ethnic cleansing of the village. “The case files contain his order for attack against a ‘civilian population showing hostility’, as well as findings by a court-appointed military expert proving that Loncar’s order was contrary to Article 13 of the Second Protocol Additional to the Geneva Conventions.” <http://www.hlc-rdc.org/?p=32894&lang=de>

South Africa. *Quartz Africa* reviewed the Nelson Mandela Foundation’s new exhibit on Project Coast, the apartheid government’s top secret chemical and biological warfare program. The exhibit uses archival documentation. “Historians have collected roughly 5,000 pages of documents, military memos, some personal photos, trying to uncover the true extent of the covert weapons program, but even this is not enough,” the exhibit curators said. <http://qz.com/822837/south-africas-apartheid-era-chemical-and-biological-warfare-poisoned-pasts-exhibition/>

South Sudan. The *National Geographic online* published an article titled “Can Archivists Save the World’s Newest Nation?” It includes a compelling picture of a “shipping container behind the Ministry of Culture, Youth and Sports” that contains “unsorted archival documents” that “one day will be in a national archives.” The South Sudan archivist believed archives “could help guide politicians who’d come to power as soldiers, craft a common identity among dozens of tribes, even offer solutions to the current civil war by unearthing past conflict resolutions.” <http://news.nationalgeographic.com/2016/11/south-sudan-archives/>

Syria. The Syrian Network for Human Rights (SNHR) released an “expanded annual report on the violations against women rights.” Drawing upon its own “archives of victims, detainees, and forcibly-disappeared persons which has been built through ongoing monitoring and documentation since 2011,” SNHR documented killings by government forces (20,287 females), Russian forces (668), Kurdish forces

(59), ISIS (328), Fateh Al Sham Front (74), other factions (798), and unidentified groups (435). SNHR believes that 8413 females were arrested by government forces, of which 2418 women were “forcibly-disappeared” and 39 females “died due to torture at the hands of government forces.” http://sn4hr.org/wp-content/pdf/english/22823_Woman_killed_in_Syria_since_March_2011_en.pdf

Tunisia. The chairman of the arbitration and reconciliation committee of the Instance Verite et Dignity (IVD), the Tunisian truth commission, complained that the slowness of handling cases of victims who had filed with the IVD was due to the Ministry of the Interior, which is “categorically” opposed to giving the necessary archives to the commission. *Businessnews.com* quoted the president of the IVD as saying, “Without archives, the IVD cannot advance.” <http://www.businessnews.com.tn/ivd--le-ministere-de-linterieur-refuse-de-nous-communiquer-les-arives.520.68317.3>

United Kingdom. After June’s vote to leave the European Union, “the number of hate crimes recorded by the police was 41 percent higher than in July of last year,” reported the *New York Times*. However, “many crimes counted in the statistics are registered through True Vision, a government-funded website that allows anyone to report what they have experienced or witnessed as a hate crime.” The increase, said the police, is tied to the change in “perception-based” reporting, where “almost anything can be recorded as a hate crime so long as the victim experiences a verbal or physical assault as such.” http://www.nytimes.com/2016/11/06/world/europe/britain-hate-crimes.html?_r=0

United States. In response to a Freedom of Information Act request by *VICE News*, the Central Intelligence Agency released two different redacted versions of its Inspector General’s investigation report on the death of Gul Rahman during interrogation in November 2002 by CIA personnel in Afghanistan. In the second release, the CIA revealed the names of the two Air Force psychologists—Bruce Jessen and James Mitchell—who are credited with designing the interrogation protocols. The American Civil Liberties Union is suing both psychologists in federal court on behalf of the Rahman family and two other persons, who “were kidnapped by the CIA, and tortured and experimented upon according to Mitchell and Jessen’s protocols.” <https://news.vice.com/story/james-mitchell-bruce-jessen-cia-torture-program>; for the lawsuit, see <https://www.aclu.org/cases/salim-v-mitchell-lawsuit-against-psychologists-behind-cia-torture-program>

In the case of *U.S. v. Shah*, N. N. Shah is charged with accessing the computer network of his former employer and causing “significant damage.” The prosecutor “sought to admit [into evidence] certain e-mails and chat conversations which were sent and received” from a specific email address associated with Shah. The court, however, ruled that “authentication of these electronic communications requires more than simply past-use of the email address at issue” and that the prosecutor must “make sufficient showing that the context surrounding or content of these emails and chats connects defendant to them.” Content and context: the crux of archival work. <http://ellblog.com/whos-using-your-e-mail-address/>

The Federal Bureau of Investigation (FBI) released data on hate crimes, which increased about 6.7% in 2015 compared to 2014, but anti-Muslim incidents rose by 67%, with 257 incidents reported. “Anti-black incidents rose by about 7.6 percent, anti-Jewish incidents rose by about 9 percent, and incidents based on sexual orientation rose by about 3.5 percent,” reported the *Washington Post*, which noted, “The data available is somewhat limited, analysts say, because law enforcement agencies provide numbers voluntarily to the FBI, and many did not report hate crimes. Bureau of Justice Statistics surveys show a far greater number of hate crimes than what is reported.” https://www.washingtonpost.com/world/national-security/hate-crimes-against-muslims-hit-highest-mark-since-2001/2016/11/14/7d8218e2-aa95-11e6-977a-1030f822fc35_story.html?tid=a_inl&utm_term=.8e3a6a808f1d

The *New York Times* published an article on the national security classification of records at the U.S. detention center at Guantanamo Bay, Cuba, which is so extensive that it “hampers medical care.” <http://www.nytimes.com/2016/11/13/world/guantanamo-bay-doctors-abuse.html>

Publications.

HURIDOCS published a helpful pamphlet, “How to digitize your human rights document archive.” <https://www.huridocs.org/2016/11/how-to-digitize-your-human-rights-document-archive/>

The Global Coalition to Protect Education from Attack issued a “Guide to Implementing the Principles of State Responsibility to Protect Higher Education from Attack.”

http://www.protectingeducation.org/sites/default/files/documents/guide_to_implementing_principles.pdf

A joint research project by the Electronic Discovery Institute, a nongovernmental organization, and the giant technology firm Oracle found that when reviewing records to be provided for discovery in a lawsuit a “combination of technology and human” review works best. *Law Technology News*, which reviewed the report, said technology assisted research “is often faster and cheaper when identifying relevant documents. But when it comes to isolating privileged or sensitive information, human reviewers outperformed machines.” <http://www.legaltechnews.com/id=1202771357276/Combination-of-Technology-and-Humans-Work-Best-in-EDiscovery-Review-Study-Finds?slreturn=20161108174103>

An opinion piece published by the *New York Times* on the frustrations of doing research in the Royal Archives at Windsor Castle in England is must reading for anyone interested in access questions.

<http://www.nytimes.com/2016/11/20/opinion/sunday/victorias-secrets-what-the-royal-archives-didnt-want-you-to-know-about-englands-queen.html>

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

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