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### Commentaire.

C'était un cadeau, a déclaré le procureur général de la Malaisie. Un don de près de 700 millions de dollars transférés en mars 2013 de la famille royale d'Arabie Saoudite sur le compte bancaire personnel du Premier ministre de la Malaisie. Et, a déclaré le procureur général, le premier ministre a tout rendu, sauf 61 millions de dollars! Et, encore plus curieusement, "les Saoudiens n'ont rien demandé en retour pour le don". Le procureur général a ordonné à l'organe anti-corruption de la Malaisie de clore son enquête sur l'affaire. Les dossiers clos de l'enquête devraient aller aux Archives nationales pour conservation. (Pour le contexte, voir <http://www.marketwatch.com/story/skepticism-over-Malaysia-PMS-700-Million-gift-from-Saudis-2016-01-26>)

Aussi fascinante que la situation en Malaisie soit, ce n'est pas le seul gouvernement ayant des allégations de corruption. Le Nigeria a une enquête en cours concernant une prétendue fraude massive dans les achats d'armes, et l'ancien chef de l'armée de l'air a été arrêté. Un énorme scandale au Guatemala a résulté en à la fois l'ancien président et l'ancien vice-président en prison. La corruption en Ukraine a été un facteur dans la révolution Maidan (rappelez-vous du superbe domaine de l'ancien président et des documents qui s'y trouvaient). Il semble y avoir de la corruption dans tous les pays et sur tous les continents.

Les archives ont clairement un rôle à jouer très important dans les enquêtes anti-corruption, à la fois comme preuve de la corruption présumée et comme preuve de la poursuite judiciaire, faible ou robuste. Mais qu'est-ce que la lutte anti-corruption a à voir avec les droits de l'homme? De nombreux types de corruption existent, bien sûr, du repas gratuit pour l'inspecteur de restaurant qui ne dénoncera pas une cuisine insalubre au pourcentage de l'argent d'un contrat gouvernemental versé sur un compte personnel. Mais peu importe quel genre de corruption cela soit, elle affecte les droits humains des personnes vivant dans le pays d'au moins deux façons. Tout d'abord, une certaine corruption affecte directement les personnes qui exercent leurs droits. Pensez, par exemple, à des forces gouvernementales, la police ou l'armée, protégeant l'exploitation minière d'une grande entreprise privée et battant les manifestants dont les la santé et les maisons sont à risque de la mine. Ou le cas des pots de vin pour permettre de vendre des produits de mauvaise qualité et dangereux sur le marché ou de taxer des biens ou des services essentiels au-delà de la portée de la plupart des gens. Deuxièmement, la corruption retire des fonds des ressources disponibles pour le gouvernement, ce qui signifie que l'argent pour les écoles, les services de santé, les systèmes judiciaires honnêtes deviennent insuffisants. Pour toutes ces raisons et d'autres, les archives et les droits, la corruption et la lutte contre la corruption, appartiennent tous à la même phrase.

**Nouvelles du Groupe de travail des Droits de l'Homme.** L'index des articles cités dans les Nouvelles 2015 de HRWG est disponible en écrivant à [trudy@trudypeterson.com](mailto:trudy@trudypeterson.com).

### Nouvelles internationales.

**Chambres extraordinaires africaines.** Lors du procès de l'ancien président du Tchad Hissène Habré, les procureurs ont présenté des documents provenant des archives de la police secrète qui montrent les "noms de 12'321 prisonniers, des rapports d'interrogatoire et les décès en détention de plus de 1'200 personnes". L'avocat de Habré "a rejeté les dossiers comme étant des 'faux'", a rapporté le *New York Times*. [http://www.nytimes.com/2016/01/01/world/africa/chad-hissene-habre-trial.html?\\_r=0](http://www.nytimes.com/2016/01/01/world/africa/chad-hissene-habre-trial.html?_r=0)

Cour européenne des droits de l'homme. La Cour a jugé "qu'une société roumaine était dans son droit de lire en détail les messages personnels qu'un de ses ingénieurs envoyait sur Yahoo Messenger alors qu'il était censé travailler", a rapporté le *Daily Mail*. La décision s'applique aux employeurs et aux employés dans tous les pays qui ont ratifié la Convention européenne des droits de l'homme. Les médias ont rapidement appelé ce règlement une «charte fouineuse» pour les employeurs.

<http://www.dailymail.co.uk/news/article-3397433/European-court-says-bosses-read-staff-s-private-messages.html>

Union européenne (UE). Le ministre de la Justice de l'UE a proposé la collecte "des empreintes digitales et des informations sur tous les étrangers reconnus coupables de crimes dans le bloc des 28 nations" et de les stocker sur ECRIS, l'ordinateur de l'UE contenant les casiers judiciaires, a rapporté *l'Associated Press*. "Actuellement, les informations sur les étrangers condamnés est conservée seulement dans les archives nationales" et les données sur les citoyens condamnés de l'UE sont insérées dans ECRIS mais sans leurs empreintes digitales. En plus des données sur les condamnations, "les nations pourraient décider quelles infractions souligner dans la base de données ; les personnes qui entrent irrégulièrement ou dépassent les dates de visas pourraient être répertoriées." <http://www.foxnews.com/world/2016/01/19/eu-plans-to-collect-fingerprints-convicted-foreigners.html>

Cour pénale internationale. La Cour pénale internationale a autorisé le procureur à enquêter sur les crimes de guerre possibles perpétrés au cours du conflit entre la Russie et la Géorgie en 2008 en Ossétie du Sud. Le procureur a déclaré "qu'elle avait des preuves suggérant que les deux côtés avaient tué les Casques bleus, ce qui est un crime de guerre", a rapporté *BBC News*; au cours de décembre 2015 plus de "6000 victimes présumées ont formulé des observations à la cour". La gestion des flux des documents pour cette affaire sera une autre tâche pour le tribunal lourdement chargé; voir l'interview de la *International Justice Tribune* avec le Greffier de la Cour à <https://www.justicetribune.com/issues/ijt-189>; <http://www.bbc.com/news/world-europe-35422437>

Tribunal militaire international pour l'Extrême-Orient (TMIEO). Shanghai Jiao Tong University a lancé une base de données des archives concernant les procès de TMIEO tenus au Japon entre 1946 et 1948 après la Seconde Guerre mondiale. La base de données, à [tokyotrial.cn](http://tokyotrial.cn), comprend les documents des procès et les preuves, a rapporté *Xinhua*. <http://english.cri.cn/12394/2016/01/09/3685s912091.htm>

Kosovo Relocated Specialist Judicial Institution. Le gouvernement des Pays-Bas a annoncé qu'elle accueillera le nouveau tribunal spécial Kosovo "pour juger les combattants supérieurs de l'armée de libération du Kosovo pour crimes de guerre et infractions d'après-guerre" commis en 1999-2000, a rapporté BIRN. Les archives du groupe de travail de l'Équipe spéciale qui ont mené des enquêtes préliminaires serviront de base pour les travaux du nouveau tribunal.

[http://www.balkaninsight.com/en/article/kosovo-court-to-be-established-in-the-hague-01-15-2016?utm\\_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm\\_campaign=657eea2f79-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_a1d9e93e97-657eea2f79-319755321](http://www.balkaninsight.com/en/article/kosovo-court-to-be-established-in-the-hague-01-15-2016?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=657eea2f79-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-657eea2f79-319755321)

OTAN. Pour marquer le 20e anniversaire de l'Accord de paix de Dayton qui a mis fin à la guerre de 1992-1995 en Bosnie-Croatie-Serbie, les Archives de l'OTAN ont publié des documents sur la mission de maintien de la paix IFOR d'après-guerre (Force de mise en œuvre), y compris les lettres entre le Secrétaire Général et l'OTAN le Secrétaire général des Nations Unies et les rapports mensuels de l'IFOR.

[http://www.nato.int/cps/en/natohq/news\\_126429.htm](http://www.nato.int/cps/en/natohq/news_126429.htm)

Les Nations Unies. La Mission d'assistance des Nations Unies pour l'Iraq et le Bureau du Haut-Commissariat des Nations Unies aux droits de l'homme ont publié un rapport conjoint sur l'impact sur les civils du conflit armé qui se déroule en Irak. Notant que "les civils continuent le plus à souffrir" du conflit armé, les deux organismes ont déclaré qu'entre le 1er janvier 2014 et le 31 octobre 2015, ils "ont enregistré au moins 55'047 victimes civiles à la suite du conflit, avec 18'802 personnes tuées et 26'245 blessées". Le rapport est basé sur des témoignages et des interviews, pris en personne et par téléphone, et des rapports "d'une variété de sources, y compris le gouvernement et les organismes non gouvernementaux et les organisations et entités des Nations Unies". Il souligne qu'en raison des difficultés dans l'obtention et la vérification des incidents de décès et de blessures, "le nombre réel de victimes civiles et l'ampleur des incidents pourraient être beaucoup plus élevée" que les chiffres figurant dans le rapport.

[http://www.uniraq.org/images/humanrights/UNAMI-OHCHR\\_%20POC%20Report\\_FINAL\\_01%20May-31%20October%202015\\_FINAL\\_11Jan2016.pdf](http://www.uniraq.org/images/humanrights/UNAMI-OHCHR_%20POC%20Report_FINAL_01%20May-31%20October%202015_FINAL_11Jan2016.pdf)

Le Conseil de sécurité des Nations Unies "a approuvé la création d'une mission U.N. d'observateurs internationaux non armés pour surveiller le désarmement au cas où le gouvernement colombien et les rebelles de gauche FARC parviendraient à un accord" pour mettre fin à la guerre civile, a rapporté *Reuters*. La gestion des archives doit être intégrée dans la mission d'observation dès le début.

<http://www.trust.org/item/20160125231747-c5w8a/>

Un rapport de l'Initiative financière du Programme de l'Environnement des Nations Unies a analysé les "implications pour le secteur bancaire" des Principes directeurs sur le commerce et les droits de l'homme des Nations Unies. Les archives bancaires ont joué un rôle clé dans un grand nombre de cas des droits de l'homme, que ce soit les actifs des victimes de l'Holocauste ou les fonds prélevés dans les caisses de l'Etat par des chefs d'Etat peu scrupuleux. <http://www.unepfi.org/fileadmin/documents/BanksandHumanRights.pdf?platform=hootsuite>

**Banque mondiale.** La Banque mondiale a publié son rapport annuel sur le développement mondial, qui parle des «dividendes numériques» pour 2016. Il comprend un document d'information importante, "Un pas en avant, deux pas en arrière? Est-ce que le E-gouvernement rend les gouvernements dans les pays en voie de développement plus transparents et plus responsables? ", rédigé par l'archiviste Victoria Lemieux. Pour le rapport, voir <http://www.worldbank.org/en/publication/wdr2016>; pour l'article, voir <http://pubdocs.worldbank.org/pubdocs/publicdoc/2016/1/287051452529902818/WDR16-BP-One-Step-Forward-Lemieux.pdf>.

## **Monde/ Nouvelles générales.**

**Les documents d'entreprise.** La Cour suprême américaine a refusé de rejeter une plainte déposée par des anciens enfants esclaves du Mali contre Nestlé («le plus grand fabricant d'aliments du monde»), Archer-Daniels-Midland (une société de transformation des aliments et de matières premières), et Cargill Inc. (une autre entreprise d'agriculture et de nourriture). Les plaignants "soutiennent que les compagnies ont aidé et encouragé les violations des droits de l'homme par le biais de leur participation active à l'achat de cacao en Côte-d'Ivoire" et "ont offert une assistance financière et technique aux agriculteurs locaux dans le but de garantir la source la moins chère de cacao", tout en sachant que cela signifiait utiliser des enfants esclaves, a rapporté *Reuters*. Les archives des trois entreprises seront pertinentes pour l'affaire.

[http://www.trust.org/item/20160111150004-m698o/?utm\\_medium=email&utm\\_campaign=Weekly%20Digest%2013116&utm\\_content=Weekly%20Digest%2013116+CID\\_912d17e38412c18d7f99a3748752c7cc&utm\\_source=Campaign%20Monitor&utm\\_term=US%20top%20court%20rejects%20Nestle%20bid%20to%20throw%20out%20child%20slavery%20suit](http://www.trust.org/item/20160111150004-m698o/?utm_medium=email&utm_campaign=Weekly%20Digest%2013116&utm_content=Weekly%20Digest%2013116+CID_912d17e38412c18d7f99a3748752c7cc&utm_source=Campaign%20Monitor&utm_term=US%20top%20court%20rejects%20Nestle%20bid%20to%20throw%20out%20child%20slavery%20suit)

"Citant la loi sur la confidentialité allemande, Volkswagen a refusé de fournir des courriels ou d'autres communications entre ses dirigeants" aux avocats américains qui enquêtent sur la tricherie de Volkswagen sur les tests d'émissions de ses voitures diesel, a rapporté le *New York Times*. L'excès de pollution des véhicules qui ne disposaient pas de contrôle des émissions adéquates est un facteur de risque pour la santé publique. [http://www.nytimes.com/2016/01/09/business/vw-refuses-to-give-us-states-documents-in-emissions-inquiries.html?\\_r=2](http://www.nytimes.com/2016/01/09/business/vw-refuses-to-give-us-states-documents-in-emissions-inquiries.html?_r=2)

Concernant les automobiles, les airbags fabriqués par la société Takata ont causé des blessures et des décès lorsque les sacs se gonflaient mal. Les documents publiés lors d'un procès intenté dans l'État américain de Floride par une femme qui a été paralysée par un airbag Takata dans une Honda Civic montrent que les employés Takata connaissaient les dangers et les données d'essai "manipulées" données à Honda et d'autres clients, des années avant que cela ne devienne une crise publique. Honda déclare qu'il n'utilise plus le produit Takata. <http://www.nytimes.com/images/2016/01/05/nytfpage/scan.pdf>

**Dossiers médicaux.** Des chercheurs de l'Université de Californie du Sud ont suivi 23 familles afro-américaines avec des enfants atteints d'autisme et ont demandé comment ils ont utilisé les dossiers de santé des enfants. Ils ont trouvé ce qu'ils ont appelé une «vie sociale» des documents sur papier: "les parents apportaient des dossiers épais, classés par ordre chronologique, remplis de documents et de papiers à des réunions dans les écoles et les bureaux des médecins, souvent comme moyen de valider leurs propres connaissances et leur expertise auprès des professionnels". En outre, les chercheurs ont vu que "les

descriptions écrites dans les dossiers peuvent avoir des conséquences au-delà de la présentation des cas. Les descriptions de la situation professionnelle des parents, par exemple, influence positivement ou négativement les perceptions que les cliniciens ont d'eux". Ils ont conclu que lors de la conversion des dossiers de santé du papier à l'électronique, les cliniciens doivent être particulièrement conscients de "comment les patients et les familles utilisent leurs dossiers. "

<http://news.usc.edu/90749/the-social-life-of-paper-medical-records/>

## **Bilateral and multilateral news.**

Algeria/France. On a state visit to France the Algerian Minister for the Mujahidin discussed three issues: return of archives, records that France holds about the persons still missing from Algeria's war of independence, and damages caused by France's nuclear testing in southern Algeria during the colonial period. According to the *Algeria Press Service*, the two sides "agreed that the issue of archives" will be discussed at the next meeting of the High Level Intergovernmental Commission in March and "a joint commission will be set up and should meet on 11 February to study the issue of the missing and address compensation for victims of nuclear tests, not to mention the environmental aspect."

<http://www.aps.dz/en/algeria/10508-zitouni-algeria,-france-should-seriously-deal-with-issues-of-common-memory>

China/Japan/United States. The family of an American missionary who was stationed in Nanking, China, donated to the Yale Divinity School Library 13 reels of film that he shot while in Nanking, including 2 reels with "footage from the so-called Nanking Massacre" that he took after the Japanese Army entered the city on December 13, 1937, reported *Yale News*. <http://news.yale.edu/2016/01/22/donated-film-reels-contain-footage-nanking-massacre>

Europe. The German task force investigating the ownership of the art collection of Cornelius Gurlitt, whose father was a Nazi-era art dealer, said that "it had identified the rightful owners of just five of the works whose provenance was in doubt." The German culture minister said, "One lesson we have learned will stay with us, namely that speed and thoroughness are not both possible in provenance research." A new agency, the German Lost Art Foundation, will continue the investigation.

[http://www.nytimes.com/2016/01/15/world/europe/gurlitt-art-collection-germany.html?\\_r=0](http://www.nytimes.com/2016/01/15/world/europe/gurlitt-art-collection-germany.html?_r=0)

Germany/Israel. Among the files of the Jewish Agency held at the Central Zionist Archive, an archivist found a three page deposition of a Jewish man who survived Nazi hypothermia experiments and other medical experiments as a prisoner at Dachau and other prison camps during the Second World War, reported *The Times of Israel*. <http://www.timesofisrael.com/new-testimony-sheds-light-on-nazi-medical-experiments/>

Guatemala/United States. Guatemala arrested 18 ex-military leaders on charges of committing crimes against humanity during the long Guatemalan civil war. *Democracy Now* interviewed "investigative journalist and activist" Allan Nairn, who argued for prosecuting U.S. government persons who supported the Guatemalan army. Nairn said, "The U.S. should be subpoenaed to release all NSA [National Security Agency], State Department and Pentagon documents regarding payments they made to these officers, training and advice they gave them." [http://www.democracynow.org/2016/1/8/18\\_ex\\_military\\_guatemalan\\_leaders\\_arrested](http://www.democracynow.org/2016/1/8/18_ex_military_guatemalan_leaders_arrested)

Iraq/Israel/United States. *The Times of Israel* published another long article on the uncertain fate of the materials from the Iraqi Jewish community that were found in the basement of the headquarters of Saddam Hussein's secret police and are now on display in the United States. <http://www.timesofisrael.com/who-should-keep-iraqi-jewrys-archives-saved-from-saddam-now-on-tour-in-us/>

Mexico/Spain. The family, now living in Mexico, of a Spanish union leader believed to have been executed by Franco forces during Spain's 1936-39 civil war, filed a complaint with the Mexican Attorney General's Office over his disappearance. The woman filing the complaint said that during her background research in Spain she "found testimonies from wardens of jails in Valladolid and Medina de Campo" where they took the man. The complaint to the court "contains 25 filings that support" the family's theory of the disappearance. [http://elpais.com/elpais/2016/01/29/inenglish/1454062053\\_058323.html](http://elpais.com/elpais/2016/01/29/inenglish/1454062053_058323.html)

Philippines/United States. On January 25, 2015, an operation by the Philippines' Special Action Force (SAF) in southern Philippines, originally to serve arrest warrants and to capture several "Malaysian terrorists" including Zulkifli bin Hir, also known as Marwan, went terribly wrong. Although the accounts vary, deaths during the "action" included Marwan, at least 44 members of the SAF, 18 members of the Moro Islamic Liberation Front, 5 members of the Bangsamoro Islamic Freedom Fighters, and several civilians. *InterAksyon.com* reported, "Questions persist over the role of the US in the operation," and so Bayan USA, the U.S. chapter of a Philippine nongovernmental organization, sent a Freedom of Information Act request to the U.S. Federal Bureau of Investigation for its records relating to the "botched mission." Bayan plans to file FOIA requests with other U.S. government agencies.  
<http://www.interaksyon.com/article/123321/bayan-usa-files-freedom-of-information-act-request-on-fbi-role-in-mamasapano>

Russia/United Kingdom. The Litvinenko Inquiry published its report on the death of Alexander Litvinenko, a former Russian KGB officer who became a British citizen, in London on 23 November 2006. Among the terms of reference for the Inquiry was to determine "how, when and where he came by his death; and the particulars (if any) required by the Births and Deaths Registration Act 1953 to be registered concerning the death." The inquiry concluded that he was poisoned by two Russian men, with a "a strong probability" that this was done "under the direction of the FSB, the Federal Security Service of the Russian Federation." Documents relied on by the Inquiry, except those specifically restricted by the judge, are posted on the website for the case. <https://www.litvinenkoquiry.org/>

## **National news.**

Bulgaria. The Bulgarian government published information on former agents of its Communist-era secret service, reported *novinite.com*. "The data set contains 134,003 recordings on persons examined by the committee for disclosing the documents and announcing the affiliation of Bulgarian citizens to the State Security and intelligence services of the Bulgarian National Army."  
<http://www.novinite.com/articles/172494/Bulgaria+Publishes+Information+on+Former+State+Security+Agents+in+Open+Data>

Burundi. The United Nations High Commissioner for Human Rights said his staff "has documented cases of Burundi's security forces gang-raping women during searches of opposition supporters' houses and heard witness testimony of mass graves," *Reuters* reported. The High Commissioner said the United Nations "is analyzing satellite images to investigate witness reports of at least nine mass graves in and around the capital Bujumbura, including one in a military camp, containing more than 100 bodies in total, all of them reportedly killed on December 11, 2015." [http://uk.reuters.com/article/uk-burundi-unrest-idUKKCN0UT0XM?utm\\_source=Sailthru&utm\\_medium=email&utm\\_campaign=New%20Campaign&utm\\_term=%2AMorning%20Brief](http://uk.reuters.com/article/uk-burundi-unrest-idUKKCN0UT0XM?utm_source=Sailthru&utm_medium=email&utm_campaign=New%20Campaign&utm_term=%2AMorning%20Brief)

Canada. According to *CBC News*, "Transport Canada is refusing to publicly release details about a range of safety issues detected on Canada's railways." The train crash at Lac-Mégantic in 2013 which killed 47 people and destroyed much of the town's business district has heightened awareness of rail safety issues. Transport Canada refused to release copies of risk assessments submitted to it by rail companies because "it could jeopardize the companies' financial and commercial interests and violate the secrecy provisions of the Transportation of Dangerous Goods Act." <http://www.cbc.ca/news/business/rail-safety-transport-canada-records-1.3409352>

Germany. The boys' choir of the Catholic cathedral in Regensburg is internationally known through its recordings and concert tours. After reports of "physical and sexual abuse in the choir," the choir commissioned a review. The initial findings were presented in January, "based on more than 140 interviews, roughly half of them with victims, and an examination of archives," reported the *New York Times*. The investigator "estimated that from 1953 to 1992, every third student at the school attached to the choir suffered some kind of physical abuse." [http://www.nytimes.com/2016/01/11/world/europe/pope-benedicts-brother-says-he-was-unaware-of-abuse.html?\\_r=0](http://www.nytimes.com/2016/01/11/world/europe/pope-benedicts-brother-says-he-was-unaware-of-abuse.html?_r=0)

Haiti. Two law schools in the United States prepared a report on human rights and the environmental risks of gold mining in Haiti. Arguing that "without inclusive and participatory governance, Haiti's apparent bounty of mineral resources could easily transform into a curse," the law schools researched the report using what they called a "rights-based approach," which they explained in a thorough section on their

methodology. They conducted many interviews as well as “widely” consulting “company documents” and creating maps using “mining company materials, Haitian government documents, and third party institutional reports” and satellite imagery. <http://chrgj.org/report-launch-byen-konte-mal-kalkile-human-rights-and-environmental-risks-of-gold-mining-in-haiti/>

India. The government Department of Archives for Jammu and Kashmir has not regularly received government records after 1947, the former director of the archives told *Mail Today*. The current director said he heard “that Jammu and Kashmir Police have created some mechanism within the police department to preserve police archives. They don’t share anything with us.” <http://indiatoday.intoday.in/story/jammu-and-kashmir-archives-denied-record-for-past-6-decades/1/568958.html>

The Prime Minister of India, Narendra Modi, went to the National Archives “to declassify the files on Netaji Subhash Chandra Boses’ mysterious disappearance,” reported *The New Indian Express*. The spokesperson for the Bose family, while welcoming the release, told *PTI*, “We feel that certain very important files were destroyed during the Congress regime in order to hide the truth. We have documentary evidence to understand this. So we feel that the Indian government should take steps to ensure the release of files lying in Russia, Germany, UK, USA.” <http://www.newindianexpress.com/nation/Prime-Minister-Unveils-100-Files-on-Netaji-at-National-Archives/2016/01/23/article3241183.ece>

Israel. *The Independent* published a profile of the Israeli nongovernmental organization Breaking the Silence, which has gathered more than 1000 “testimonies of soldiers from their service in the West Bank and Gaza, offering more revealing accounts of the military occupation and its impact on Palestinian civilians than the official statements from the army.” <http://www.independent.co.uk/news/world/middle-east/breaking-the-silence-former-israeli-soldier-branded-a-traitor-for-asking-troops-to-tell-their-west-a6794256.html>

Lebanon. The International Center for Transitional Justice, a nongovernmental organization, published a report outlining the powers that a future independent national commission on the missing in Lebanon should have. Among the recommendations is: “The commission must have the authority to obtain all records and information about missing and disappeared persons and centralize it in a confidential database. Additionally, it should be authorized to compel testimony.” It further recommends that “individuals and institutions with information about the missing [should] offer it voluntarily to the commission.” And it notes that the commission’s “guiding principles should also affirm the right of families of the missing persons to learn the fate of their relatives and the circumstances of their disappearance and their right to have access to all related information and records.” [https://www.ictj.org/sites/default/files/ICTJ-Report-Lebanon-CommissionMissing-2016\\_0.pdf](https://www.ictj.org/sites/default/files/ICTJ-Report-Lebanon-CommissionMissing-2016_0.pdf)

Myanmar. On the one year anniversary of the rape and murder of two Kachin Christian teachers, two nongovernmental organizations released a report arguing that soldiers were responsible and the military has been covering up the facts. According to *UCA News*, the report “analyzes witness testimony that identifies as a key suspect the commanding officer” of an army unit stationed nearby. The *News* said it saw a video of the dead women; the Baptist convention has “conducted its own investigation.” [http://www.eurasiareview.com/20012016-burma-new-report-alleges-military-involvement-in-murders/?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29](http://www.eurasiareview.com/20012016-burma-new-report-alleges-military-involvement-in-murders/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29)

Nepal. The spokesperson for the Truth and Conciliation Commission “accused the government of non-cooperation,” reported the *Kathmandu Post*. In December the TRC asked for “policies and strategies developed at different stages of the conflict” and “warfare dossiers from Nepal Army, Nepal Police, Armed Police Force, National Investigation Department, Home Ministry, Security Council, Defence Ministry and former rebel party UCPN (Maoist).” The rebels have not answered “while the reply of the security forces is far from satisfactory.” And the government has not approved the regulations for the TRC, so the commission “cannot even collect applications from conflict victims.” <http://kathmandupost.ekantipur.com/news/2016-01-29/govt-not-cooperating-with-trc-spokesperson.html>

Pakistan. At a meeting of the Council of Islamic Ideology (CII), the chairman “came to blows” with another member over the question of whether the CII should declare members of the Ahmadi branch of Islam as “apostate” (the Council did not). An estimated 5 million Pakistanis are Ahmadis who suffer severe discrimination, reported the *South Asia Monitor*. “By law Muslim citizens have to sign a declaration

that they are not Ahmadis to get national identity card registration. Some universities even ask for an oath to be taken by the faculty to make sure they do not accidentally hire an Ahmadi.”

[http://www.eurasiareview.com/14012016-ahmadis-in-pakistan-minority-persecution-reflects-industry-of-intolerance-analysis/?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29](http://www.eurasiareview.com/14012016-ahmadis-in-pakistan-minority-persecution-reflects-industry-of-intolerance-analysis/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29)

**Russia.** “The Russian government’s commission on state secrets has rejected a call from over 60,000 Russians to open the archive of Soviet secret police forces and spy agencies,” reported *Newsweek* citing *Meduza*. “The files will instead remain classified until 2044.” <http://www.newsweek.com/kremlin-rejects-petition-open-soviet-secret-police-archive-417740>

In yet another example of the importance of identity papers, *Eurasia Review* reported: “Russia’s Federal Migration Service has been sending letters to Circassians who had been allowed to return from exile in Turkey to their homeland in the North Caucasus, saying that Moscow has cancelled their residence permits and that they must leave the Russian Federation and return to Turkey.” The head of a Circassian nongovernmental organization said many who are asked to leave “have lived in Russia for decades, have applied for citizenship, have raised their children there.” An estimated half million Circassians live in the Caucasus. [http://www.eurasiareview.com/14012016-russia-begins-deporting-circassians-who-returned-to-homeland-from-turkey-oped/?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29](http://www.eurasiareview.com/14012016-russia-begins-deporting-circassians-who-returned-to-homeland-from-turkey-oped/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29)

**Saudi Arabia.** Saudi Arabia’s Communications and Information Technology Commission announced that “the country’s security agencies would enforce the new regulation requiring all telecommunication subscribers to register their fingerprints.” The first to be registered will be new customers, including “visitors, Gulf citizens and Haj and Umrah pilgrims.” *Arab News* said the fingerprints will be taken “on special devices to obtain a SIM card. The devices will be linked to the National Information Center to ensure the identities of SIM owners are accurate.” [http://www.eurasiareview.com/26012016-saudi-arabia-to-record-fingerprints-when-issuing-mobile-sim-cards/?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29](http://www.eurasiareview.com/26012016-saudi-arabia-to-record-fingerprints-when-issuing-mobile-sim-cards/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29)

**South Africa.** The Constitutional Court expressed concern that “incomplete, patched-up records caused by faulty mechanical equipment or lost tape recordings” from arbitration proceedings at the Commission for Conciliation, Mediation and Arbitration “were not uncommon.” The court said “it was improper for the labour court to dismiss an application for the review of an arbitration award in the absence of a proper record” and so it reinstated a fired employee. A labor lawyer told *TimesLIVE* that “even if proceedings were recorded correctly, records often went missing later.” <http://www.timeslive.co.za/local/2016/01/21/Missing-CCMA-records-a-common-headache-for-courts>

The mayor of the Uthukela district awarded college scholarships to 16 young women “who voluntarily stayed virgins and agreed to have regular virginity tests to keep their funding,” reported the *Associated Press*. The mayor’s spokesperson said the grants will be renewed “as long as the child can produce a certificate that she is still a virgin.”

[http://www.businessinsider.com/ap-s-african-mayor-awards-scholarships-to-virgin-women-2016-1?mkt\\_tok=3RkMMJWWfF9wsRonvK7Nce%2FhmjTEU5z17u0kUKCg38431UFwdcjKpmjr1YIITcRhI%2BSLDwEYGJlv6SgFSLHMMa12z7gLXxI%3D](http://www.businessinsider.com/ap-s-african-mayor-awards-scholarships-to-virgin-women-2016-1?mkt_tok=3RkMMJWWfF9wsRonvK7Nce%2FhmjTEU5z17u0kUKCg38431UFwdcjKpmjr1YIITcRhI%2BSLDwEYGJlv6SgFSLHMMa12z7gLXxI%3D)

**Turkey.** The government announced that it will begin issuing work permits for Syrian refugees in Turkey as part of the steps taken to halt the flow of Syrian refugees into the European Union. However, the Deputy Prime Minister told *Reuters*, “refugees will be able to apply for a work permit specific to their place of registration six months after they register there,” leaving the refugees a gap of six months without legal employment possibilities. <http://www.reuters.com/article/us-europe-migrants-turkey-idUSKCN0UP0QP20160111>

**United Kingdom.** “Secret industry documents seen by *The Independent* reveal that the executives at . . . asbestos giant Turner and Newall monitored people they considered to be ‘subversive’ and kept a dossier on their activities at the height of the debate about the mineral’s safety in the 1980s.” The “subversives” included journalists and environmental campaigners; the company “launched a covert campaign to accuse them of being communists.” <http://www.independent.co.uk/news/uk/home-news/how-the-worlds-biggest-asbestos-factory-tried-to-stop-campaigners-exposing-the-killer-dusts-dangers-a6798236.html>

A university researcher is working to clear the name of a man who was tried three times and convicted of murder. Neither the transcript nor the audio record of any of the three proceedings exist, leaving as a record only the judge's sentencing remarks. The court rule is to destroy court transcripts after five years and audio recordings after seven years, reported the *Portsmouth News*. In a letter to the Justice Secretary, 35 lawyers, academics and campaigners protested the destruction, pointing out that "once destroyed, the important verbatim record of what was said in court is lost forever" leaving "a situation where, commonly, only the stale and fragmented mess of documents from case files, often limited to police interviews, statements and reports given prior to trial, are available to those working on criminal appeals." The Ministry of Justice said that audio recordings and transcripts only of "terrorism and some drug cases are routinely kept longer," wrote *The Independent*. <http://www.independent.co.uk/news/uk/home-news/michael-gove-urged-to-stop-reckless-and-irresponsible-destruction-of-crown-court-records-a6830536.html>; <http://www.portsmouth.co.uk/news/crime/government-recklessly-destroying-court-records-1-7186571>

A man murdered a woman, went to prison and was released, murdered again and again was released. The daughter of his first victim wants to see the file on him in the Central Criminal Court Case Files of the Supreme Court of Judicature which are held by the National Archives. She found that the file is closed until 2056; a spokesman for the Archives told the *Daily Star* that the file "has been closed because it contains sensitive personal information which would distress or endanger a living person or his descendants." The daughter said the file was not "closed to protect HER family from 'distress' and she suspected it was done more to protect" the murderer. <http://www.dailystar.co.uk/news/latest-news/488008/Terry-Bewley-freed-killer>

United Kingdom/Northern Ireland. A judge ordered the Police Service of Northern Ireland to release "34 non-sensitive files" to the family of a man who was murdered by loyalist paramilitaries in Bellaghy in 1997, reported *UTV News*. The legacy inquest on the death has been postponed four times because "the police have yet to disclose any documents to the family or their legal team." The judge ordered the files handed over "within the next fortnight." <http://www.u.tv/News/2016/01/19/PSNI-ordered-to-release-files-over-Troubles-murder-52469>

United Kingdom/Scotland. In response to "antisocial, senseless, unruly behavior" at football games, the Scottish Professional Football League "is currently considering the use of facial recognition software in stadiums to filter out past culprits," reported *Sport Techie*. "The technology would work by scanning fans' faces to identify those with histories of poor behavior." The civil rights group Liberty "is concerned that the 'intrusive observation' brings with it dangerous data protection responsibilities—who will have access to the data?" <http://www.sporttechie.com/2016/01/25/scotland-weighs-safety-concerns-over-ethical-issues-of-using-facial-recognition-technology-at-football-stadiums/>

United States. The Second Circuit Court of Appeals ruled that the National Security Council is not covered by the Freedom of Information Act (FOIA) and it does not have to fill a request for "all records related to the killing and attempted killing by drone strike of U.S. citizens and foreign nations" and "all National Security Council meeting minutes taken in the year 2011," reported *Courthouse News Service*. In a concurring opinion one judge wrote that whether or not to put the Council under FOIA "is best considered a political issue for Congress and the president, not for this court." <http://www.courthousenews.com/2016/01/26/foia-proof-council-can-shield-drone-strike-info.htm>

The National Academies of Sciences, Engineering and Medicine published a report on the health impacts on the nearly 6000 U.S. military personnel who participated in the 1960s in Project SHAD (Shipboard Hazard and Defense), "a series of classified tests of U.S. warship vulnerability to biological and chemical warfare agents." Only some of the participants knew "the nature of the tests at the time they were conducted." The study team compared veterans who were involved in the tests and those who were not and found that the SHAD veterans "showed no significant increase in adverse health outcomes, specific causes of death, or death rates." [http://iom.nationalacademies.org/Reports/2016/Assessing-Health-Outcomes-Among-Veterans-of-Project-SHAD.aspx?utm\\_source=IOM+Email+List&utm\\_campaign=3f1e9bbdb4-180156329](http://iom.nationalacademies.org/Reports/2016/Assessing-Health-Outcomes-Among-Veterans-of-Project-SHAD.aspx?utm_source=IOM+Email+List&utm_campaign=3f1e9bbdb4-180156329)  
1 8 SHAD II Report1 6 2016&utm\_medium=email&utm\_term=0 211686812e-3f1e9bbdb4-180156329

*ProPublica* reported on the continuing controversy over videos released by the anti-abortion group Center for Medical Progress that seem to show Planned Parenthood, a nonprofit reproductive health organization, profiting from the use of aborted fetuses for research. Journalists quickly determined that the videos had



been altered. Planned Parenthood sued, and the grand jury hearing the case indicted two persons from the Center “on felony charges of tampering with government documents and a misdemeanor charge related to purchasing human organs.” The “government documents” are fake California driver’s licenses that allowed them to gain access to a Planned Parenthood building. [https://www.propublica.org/article/everything-you-need-to-know-about-the-planned-parenthood-videos?utm\\_source=pardot&utm\\_medium=email&utm\\_campaign=dailynewsletter](https://www.propublica.org/article/everything-you-need-to-know-about-the-planned-parenthood-videos?utm_source=pardot&utm_medium=email&utm_campaign=dailynewsletter)

The *New York Times* analyzed nearly 60 million death certificates collected by the Centers for Disease Control and Prevention from 1990 to 2014. Among the findings is that the “rate of fatal heroin overdoses almost tripled between 2010 and 2013” and the “vast majority” of deaths were of white adults. *VICE News* quoted a physician who treats drug abuse suggesting that the reason for the racial disparity is “underlying racism by doctors”: Medicare data from 2007 to 2012 showed that white patients were prescribed painkillers (opioids) “at a higher rate than their minority counterparts.” The U.S. tightened control over painkillers in 2013, and persons who depended on them turned to heroin. <https://news.vice.com/article/heroin-kills-white-people-more-than-anyone-else-and-nobody-is-sure-why>

The Federal government issued new guidelines under the Health Insurance Portability and Accountability Act of 1996, telling doctors and hospitals “that in most cases they must provide copies” of medical records to patients within 30 days of receiving a request, reported the *New York Times*. The Department of Health and Human Services said “complaints about access to medical records were one of the top five issues investigated” by its Office of Civil Rights. <http://www.nytimes.com/2016/01/17/us/new-guidelines-nudge-doctors-on-giving-patients-access-to-medical-records.html>

The breach of the computers at the Office of Personnel Management last year compromised the personal information of more than 20 million people. Now the Federal government has decided that “the Department of Defense would take over the storage of records from federal background checks” under the supervision of a new office called the National Background Investigations Bureau, reported the *New York Times*. <http://www.nytimes.com/2016/01/23/us/politics/storage-of-records-of-background-checks-shifted-after-last-years-security-breach.html>

In the massive media coverage of police use of technology, a story in the *Washington Post* stood out. It said that the Fresno, California, police are using “Beware” software to gauge how serious a threat a person might be. The program can quickly search “billions of data points, including arrest reports, property records, commercial databases, deep Web searches and . . . social media postings” and then calculate the person’s potential for violence. The Federal Bureau of Investigation has a \$1 billion “Next Generation Identification” project, which will pool information found in local, regional and national databases, including fingerprints, iris scans, facial recognition data and more. [https://www.washingtonpost.com/local/public-safety/the-new-way-police-are-surveilling-you-calculating-your-threat-score/2016/01/10/e42bccac-8e15-11e5-baf4-bdf37355da0e\\_story.html](https://www.washingtonpost.com/local/public-safety/the-new-way-police-are-surveilling-you-calculating-your-threat-score/2016/01/10/e42bccac-8e15-11e5-baf4-bdf37355da0e_story.html)

Using records of the government-run Chemawa Indian School, a boarding school for Native American children in Oregon, a woman researched the deaths of children at the school, She then used ground-penetrating radar to survey in the school cemetery and reported that “there are possibly hundreds of unmarked burial sites at Chemawa,” reported *Al-Jazeera*. <http://www.aljazeera.com/indepth/features/2016/01/unearting-dark-native-boarding-school-160103072842972.html>

United States/Illinois. Chicago, Illinois, is having a major public debate about police records. In one case, the labor contract between the city and the police union calls for all files on police misconduct to be destroyed five years after the date of the incident. A number of organizations are challenging the destruction, including the NAACP (the oldest U.S. civil rights organization for ethnic minorities) which argues that “if records only go back five years, there is no way to determine which officers have a pattern of complaints filed against them,” reported *WLS*. Records dating back to 1967 are to be destroyed; a state representative is trying to introduce a bill to amend the Illinois Local Records Act to keep the records permanently. <http://abc7chicago.com/news/naACP-criticizes-practice-of-destroying-police-misconduct-records-1154985/>  
<http://chicagodefender.com/2016/01/20/fop-contract-arbitrator-says-destroy-all-records/>

In the second case, *DNAinfo* media reviewed more than 1,800 police maintenance logs to try to determine why so many police dashcam (cameras mounted on police cars) videos—80% of dashcam videos--have no sound. The reasons vary: “officers stashed microphones in their squad car glove boxes. They pulled out batteries. Microphone antennas got busted or went missing. And sometimes dashcam systems didn’t have

any microphones at all.” On 30 occasions between September 1, 2014, and July 16, 2015, police maintenance technicians “found evidence that audio recording systems either had not been activated or were ‘intentionally defeated’ by police personnel.” The police superintendent warned the police that they will be disciplined if they fail to “follow proper dashcam protocol.” <https://www.dnainfo.com/chicago/20160127/archer-heights/whats-behind-no-sound-syndrome-on-chicago-police-dashcams>

United States/Michigan. The city of Flint, Michigan, switched its water source in April 2014 from Lake Huron to the Flint River. The river water, which is more corrosive to the city’s lead pipes, has caused elevated lead levels in residents. Lead is especially harmful to young children. A doctor in Flint used electronic medical records and discovered that the percentage of Flint children with unsafe levels of lead in their blood doubled and sometimes nearly tripled after April 2014. She told *WiscNews*, “If we did not have (electronic medical records), if we were still on paper, it would have taken forever to get these results.” The crisis has stimulated efforts to subject the governor to the state’s Freedom of Information Act, because the governor has not released all his email messages and other papers on what he and his staff knew about the water crisis in Flint. <http://www.chicagotribune.com/news/nationworld/midwest/ct-michigan-open-records-law-20160130-story.html>; [http://www.wiscnews.com/news/state-and-regional/article\\_c95028ae-56a1-56fe-9265-a5961c9fb5eb5.html](http://www.wiscnews.com/news/state-and-regional/article_c95028ae-56a1-56fe-9265-a5961c9fb5eb5.html)

United States/Mississippi. A class action lawsuit against Mississippi for failing in its duty to protect foster children in its facilities was settled in 2008. During the suit the plaintiffs had used “state data from 2001” to show that “more than 6,200 reports of abuse, neglect and the use of unsafe foster homes were not investigated.” Now, sadly, a court monitor reports that the state has failed to live up to its 2008 promises, and in 2011 “overwhelmed social workers destroyed evidence of abuse by shredding photographed documentation so they would not have to deal with more cases,” reported the *New York Times*. <http://www.nytimes.com/2016/01/18/us/mississippi-fights-to-keep-control-of-itsbeleaguered-child-welfare-system.html>

United States/Washington. The Catholic Archdiocese of Seattle published a list of 77 clergy who were child-sex abusers and “served or lived in western Washington between 1923 and 2008,” the *Associated Press* reported. A lawyer who has handled abuse claims against the church said the list is a positive step but called on the Archdiocese for “‘true transparency’ to release the files and secret archives kept on the people named.” <http://bigstory.ap.org/article/8de80471e4a94b25aa456a053a313780/archdiocese-seattle-publishes-names-child-sex-abusers>

## **Publications.**

The Business and Human Rights Resource Center has links to a wide variety of documentaries, films, short videos and news items on business and human rights. <http://business-humanrights.org/en/videos>

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