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Commentary.

“Hope is the thing with feathers that perches in the soul,” wrote 19th century U.S. poet Emily Dickinson. Some dinosaurs (we now know that they had feathers) might disagree. But hope and the ability to flee from gales, hot lands and stormy seas is all that people living in nations impacted by climate change have. At the U.N. climate talks in Bonn, Germany, the vice chair of the Alliance of Small Island States said “unless emissions can be drastically and quickly curbed, efforts by small island nations to adapt to climate change may be in vain,” *Thomson Reuters Foundation* reported. <http://news.trust.org/item/20171107210019-qadbk/>

The scientific evidence for the human contribution to climate change is substantial and increasing. “Last year’s record global heat, extreme heat over Asia, and unusually warm waters in the Bering Sea would not have been possible without human-caused climate change, according to new research in *Explaining Extreme Events in 2016 from a Climate Perspective*,” a special supplement to the *Bulletin of the American Meteorological Society* issued on 13 December. <https://www.ametsoc.org/ams/index.cfm/about-ams/news/news-releases/human-influence-on-climate-led-to-several-major-weather-extremes-in-2016/> No matter where we live we are affected, but locations near the sea are especially vulnerable. Ask Dominica. Ask Barbuda.

Around the world there are “a growing number of lawsuits against governments over their failure to act swiftly to curb climate change,” *Thomson Reuters Foundation* also reported. A group of 21 people between 10 and 21 years old are suing the U.S. government, arguing that “through its actions that drive climate change” the government “has violated their constitutional rights to life, liberty, and property.” Two environmental groups are suing Norway for “breaching the constitutional right to a healthy, safe environment—and violating it pledges under the Paris climate agreement—by letting energy firms explore for oil and gas in the Arctic Barents Sea.” Irish citizens are challenging the Irish government, and Dutch citizens have filed a case against the government in The Netherlands. But lawsuits are not enough. <http://news.trust.org/item/20171107115139-a6kn2/>

Communities, even entire populations may be forced to relocate to escape the global forces (see the U.S. story below). But as a nation like Kiribati contemplates removal to Fiji, where it has bought land (<https://www.theguardian.com/environment/2014/jul/01/kiribati-climate-change-fiji-vanua-levu>), it will need also to move archives—of government, business, faith-based organizations, civil society, personal papers. This requires planning and resources, now not later. While some wealthy countries may be able to solve these problems themselves, others will not. The International Council on Archives and UNESCO should convene a special meeting of the national archivists of nations in danger from countrywide climate change, with a special focus on island nations, to discuss the risks and develop strategies for preserving archives. ICA and UNESCO should help archivists, archival institutions, and their governments understand the impending changes, the threats to archives, and the options available. They should help nations find funds and partners to take such steps as the country believes are necessary. This is no less than preserving the memory of the world in the largest sense.

And, while we do that, it is essential that archivists everywhere ensure that the records documenting the scientific evidence for climate change and the actions citizens take to lessen its impact—including those lawsuits—are safely preserved. Hope may be a thing with feathers, but remember the dinosaurs. It takes planning and action to make hope molt its feathers and develop into real archival preservation.

News of the HRWG.

At the sixth annual United Nations forum on business and human rights, Blanca Bazaco Palacios and Fernanda Vego Serrano, both members of the Working Group, presented a “snapshot session” on the importance of good archives management to ensure that businesses fulfill their human rights obligations. The presentation is part of the work done by Blanca and Fernanda together with Lizbeth Barrientos and Antonio Gonzalez Quintana. It is the first time that ICA has had a presence at one of these significant forums, and we believe it is an important step forward. The presentation will be posted to the HRWG section of the ICA website. <https://business-humanrights.org/en/sixth-annual-forum-on-business-and-human-rights-geneva-27-29-november>

For a brief report of the HRWG meeting at the ICA annual conference in Mexico City, see Annex A.

International news.

Association of Southeast Asian Nations (ASEAN). At the close of their 31st summit meeting, the member nations signed the “ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers.” It includes a prohibition “against confiscation of passports,” among other provisions, *rappler.com* reported. The document does not specify whether or not it is legally-binding on member states and is “silent on the issue of undocumented workers.” The labor organization Overseas Filipino Workers in Southeast Asia urged ASEAN “to create a body that will oversee violations and concerns of the migrant workers, whether as a consultative body or a tribunal.” <https://www.rappler.com/world/regions/asia-pacific/188460-leaders-sign-migrant-workers-protection-asean-philippines-2017>

International Criminal Court (ICC). Burundi withdrew from the ICC on 27 October. The Court announced on 9 November that on October 25 a pretrial panel of judges authorized the Prosecutor to open an investigation into crimes against humanity allegedly committed in Burundi between April 2015 and October 2017 while Burundi was still a member. <https://www.icc-cpi.int/Pages/item.aspx?name=pr1342>

The Prosecutor asked for judicial “authorization to open an investigation into crimes alleged to have been committed in connection with the armed conflict” in Afghanistan since 1 May 2003 and “war crimes closely linked to the situation in Afghanistan allegedly committed since 1 July 2002 on the territory of other States parties” of the ICC. The Prosecutor’s statement did not name the countries to be investigated. https://www.icc-cpi.int/Pages/item.aspx?name=171103_OTP_Statement

International Criminal Court/UNESCO. The ICC Office of the Prosecutor and UNESCO signed a “Letter of Intent by which UNESCO and the ICC Office of the Prosecutor will formalize and further enhance their collaboration, in line with the respective mandates” to protect cultural heritage. No information was provided about the means by which this will be made effective. https://www.icc-cpi.int/Pages/item.aspx?name=171106_OTP_Unesco

Mechanism for International Criminal Tribunals (MICT). MICT, the successor to the International Criminal Tribunal for the former Yugoslavia, had a very busy month. All these cases have extensive files to be preserved by the archives of the Mechanism:

*The judges announced the conviction of Ratko Mladic on 10 of 11 charges and sentenced him to life in prison. http://www.balkaninsight.com/en/article/bosnian-serb-commander-ratko-mladic-genocide-crimes-against-humanity-verdict-11-21-2017?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=49415d8c6d-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-49415d8c6d-31975321 The Belgrade nongovernmental Humanitarian Law Center said, “The findings of the judgement and the extensive documentation collected during the proceedings now represent valuable potential for a final and decisive step toward reconciliation and dealing with the past.” www.hlc-rdc.org

*After the presiding judge confirmed the 20-year sentence of Slobodan Praljak, a Bosnian Croat military chief, Praljak drank poison in the courtroom and died shortly thereafter. The Netherlands public prosecutor in The Hague is now investigating how Praljak managed to obtain the poison and bring it into

the courtroom. http://www.balkaninsight.com/en/article/dutch-probe-war-criminal-praljak-s-assisted-suicide--11-30-2017?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=221695b0a8-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-221695b0a8-319755321

*At the re-trial of former Serbian State Security chiefs Jovica Stanisic and Franko Simatovic, the prosecutors played the video of the murder of six Bosniaks that was filmed by paramilitaries from the “Scorpions” unit. The recording was first shown at the trial of former Serbian president Slobodan Milosevic. http://www.balkaninsight.com/en/article/un-court-screens-video-of-serbian-unit-shooting-bosniaks-11-08-2017?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=574c78c312-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-574c78c312-319755321

United Nations. At a conference on gender violence hosted by the Organization of American States, the UN special rapporteur on violence against women said the UN “is working to build a global database on femicides in each country,” *Thomson Reuters Foundation* reported. <http://news.trust.org/item/20171107185026-0puz9/>

Last month’s report on the downing of Secretary General Dag Hammarskjold’s plane in 1961 in what is now Zambia suggested that the U.K. and U.S. governments are likely to have radio intercepts from the night the plane crashed. The chairman of the commission that persuaded the United Nations to set up the current inquiry wrote to the U.K.’s foreign secretary and the U.S. secretary of state, urging both governments to “state publicly” whether those governments have transcripts of the intercepts. The *Guardian* quoted his letter as saying, “The time is now long overdue--more than 50 years after this tragic event--for the U.S. and the U.K. to conduct a complete review of records in their custody--including in particular still-classified records--and make them available to the United Nations.” <https://www.theguardian.com/world/2017/nov/12/dag-hammarskjold-death-britain-urged-to-release-papers>

UNESCO. UNESCO released a report, “World Trends in Freedom of Expression and Media Development.” It said there is “a clear trend of adopting Freedom of Information (FOI) or access to information laws even as there appears to be a growing recognition that information control has become an increasingly important aspect of both global conflicts and local disputes.” Further, “national security, anti-terrorism and anti-extremism laws have been used in some cases to limit legitimate debate and to curtail dissenting views in the media, while also underwriting expanded surveillance, which may be seen to violate the right to privacy and to jeopardize freedom of expression.” <http://unesdoc.unesco.org/images/0022/002270/227025e.pdf>

United Nations High Commissioner for Human Rights (OHCHR). Eight civil society organizations specializing in business and human rights wrote to OHCHR regarding the UN Human Rights Council’s resolution on “Israeli settlements in the Occupied Palestinian Territory (OPT), including East Jerusalem, and in the occupied Syrian Golan.” They pointed out that the resolution requested OHCHR to “produce a database of all business enterprises involved in certain specified activities concerning the Israeli settlements that may have negative human rights impacts” and urged the Commissioner “to promptly release the database” and update it annually. <https://static1.squarespace.com/static/583f3fca725e25fcd45aa446/t/5a031debe2c48322bcd2546f/1510153711582/Settlements+Database+Letter+FINAL.pdf>

UNICEF. UNICEF issued a report on sexual violence against children. Because of the difficulty in getting comparable data from the over 40 low and middle-income countries in the survey, the researchers relied on “the Multiple Indicator Cluster Surveys supported by UNICEF, the Demographic and Health Surveys supported by the United States Agency for International Development, the Health Behavior in School-aged Children studies and the Global School-based Student Health Surveys developed by the World Health Organization and others.” Cameroon had the highest rate of sexual violence “with one in six teenage girls experiencing forced sex,” reported *Thomson Reuters Foundation*. <http://news.trust.org/item/2017110115626-ci14j/>

United Nations Office of Information and Communications Technology (UNOPS). At a Humanitarian Blockchain Summit, UNOPS and the World Identity Network announced the launch of a pilot initiative to use blockchain technology to help combat child trafficking. “With powerful new technologies and solutions, such as digital identity on the blockchain, there is now a significantly higher chance of catching traffickers and securing data on an immutable ledger, further making any such trafficking

attempts more traceable and preventable.” <https://www.unops.org/english/News/Pages/World-Identity-Network-and-UN-launch-innovative-blockchain-pilot-to-help-prevent-child-trafficking.aspx>

World/general news.

Business records. A leak of 13.4 million files from two “offshore service providers and the company registries of 19 tax havens” was obtained by German newspaper *Süddeutsche Zeitung* and shared with partner news organizations. Called the “Paradise Papers,” the records show “the global environments in which tax abuses can thrive” and the ways in which the “world’s biggest businesses, heads of state and global figures” can “legally protect their wealth,” reported the *Guardian*. The data “stretches back 70 years” and shows, among other revelations, “the secret loan and alliance used by the London-listed multinational Glencore in its efforts to secure lucrative mining rights in the Democratic Republic of Congo.” https://www.theguardian.com/news/2017/nov/05/paradise-papers-leak-reveals-secrets-of-world-elites-hidden-wealth?utm_source=esp&utm_medium=Email&utm_campaign=GU+Today+USA+-+Collections+2017&utm_term=251135&subid=22849866&CMP=GT_US_collection

Global Witness (GW), a U.K.-based nongovernmental organization, released “undercover footage” that shows timber exporters in Peru “acknowledging that official documents are often falsified.” Timber exported from the Amazon rainforest is at the heart of a scandal involving high-level government officials as well as exporters. According to GW’s press release, “The illegal timber trade in Peru is reported to be connected to assassinations, forced labor, tax evasion, prostitution, human rights violations, land-trafficking, narco-trafficking and organized crime.” The leader of GW’s Peru campaign said, “No exporter must be allowed to hide behind official documents any longer.” <https://www.globalwitness.org/documents/19282/Undercover+Footage+Exposes+Exporters+Complicity+in+Perus+Biggest+Timber+Scandal.pdf>

EpiPens are used to inject the hormone epinephrine “to stave off allergic reactions that can in some cases kill.” Data obtained by *Bloomberg News* through a Freedom of Information request showed that the U.S. Food and Drug Administration “received a total of 228 reports of EpiPen or EpiPen Jr. failures” during January through mid-September, including 7 deaths and 35 hospitalizations. For background, see *HRWG News* 2017-09. https://www.bloomberg.com/news/articles/2017-11-02/epipen-failures-cited-in-seven-deaths-this-year-fda-files-show?utm_source=STAT+Newsletters&utm_campaign=800a198794-MR&utm_medium=email&utm_term=0_8cab1d7961-800a198794-149736437

Climate change. “According to the World Meteorological Organization . . . the level of CO₂ recorded in earth’s atmosphere in 2016 was up 50 %” over the average of the last 10 years, *Eurasia Review* reported. “Research stations located in 51 countries returned measurements of concentrations of carbon dioxide and other ‘warming gases’ such as methane and nitrous oxide, showing a dramatic rise.” The *Review* quoted Climate Central, a nongovernmental organization of climate scientists, saying, “By drilling for ice cores and analysing the air bubbles, scientists have found that at no point during at least the past 800,000 years have atmospheric CO₂ levels been as high as they are now.” http://www.eurasiareview.com/06112017-atmospheric-carbon-dioxide-surges-to-levels-not-seen-in-800000-years/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Data breach/data security. The Ponemon Institute surveyed 419 companies in 11 countries for its annual report on the cost of a data breach. Among the findings: the average total cost of a data breach decreased from \$4.00 to \$3.62 million and the average cost for each lost or stolen record containing sensitive and confidential information decreased from \$158 in 2016 to \$141. However, the average size of the data breaches reported increased 1.8%. <https://itsecuritycentral.teramind.co/2017/11/28/2017-ponemon-cost-of-data-breach-study-analyzing-the-research/>

Medical records. The journal *Clinical Infectious Diseases* is publishing an 11-part series on the worldwide burden of Group B Streptococcus disease, which is a leading cause of infant deaths, particularly in the first week after birth. The series begins with a clear statement of the efforts they made to “maximize the available data,” although they recognize that an “important limitation” is a “lack of systematic surveillance data,” especially in countries that have the highest number of deaths from the disease. https://academic.oup.com/cid/article/65/suppl_2/S89/4589584

The U.S. Food and Drug Administration approved “the first pill embedded with a sensor that can alert a patient’s physician or caregiver.” According to *STAT*, after the pill is swallowed a sensor “sends a message to a patch worn by the patient, which then transmits the information to a mobile app that the patient can monitor” or the patient can allow the caregiver or doctor to access the data online. That could be called inside information. https://www.statnews.com/2017/11/13/pill-sensor-fda-approval/?utm_source=STAT+Newsletters&utm_campaign=87a174569b-MR&utm_medium=email&utm_term=0_8cab1d7961-87a174569b-149736437

A team of researchers from Canada, Australia and New Zealand, led by the Institute for Clinical Evaluative Sciences, published guidelines for the use of indigenous health data. The guidance emphasizes that “priorities for the use of Indigenous data are driven by Indigenous organizations” and “researchers have to request access to Indigenous data” and get approval from Indigenous communities. <https://www.ices.on.ca/Newsroom/News-Releases/2017/International-research-collaboration-publishes-guidelines-in-The-Lancet>

PLOS/Biology published an article on the Sugar Research Foundation’s secret funding of a review in the *New England Journal of Medicine* in 1965 “that discounted evidence linking sucrose consumption to blood lipid levels and hence coronary heart disease.” The Foundation also funded animal research between 1967 and 1971 to evaluate the heart disease risks from sugar consumption; when the research suggested a link, it terminated the research and did not publish the results. The authors used personal papers at the Harvard University Medical Library and the University of Illinois Archives as evidence; they say the study “contributes to a wider body of literature documenting industry manipulation of science.” http://www.eurasiareview.com/25112017-sugar-industry-withheld-evidence-of-sucroses-health-effects/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

Nuclear power. Using records of the xenon isotopes detected in Russia and Sweden four days after the nuclear accident in Chernobyl, Ukraine, on 26 April 1986, the weather conditions and seismic measurements at the time, and an eyewitness report, Swedish scientists offered a new theory that the first explosion was a “nuclear reaction and not a steam explosion,” *Eurasia Review* reported. “This new analysis brings insight into the disaster, and may potentially prove useful in preventing future similar incidents from occurring.” http://www.eurasiareview.com/19112017-new-theory-rewrites-opening-moments-of-chernobyl-disaster/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+eurasiareview%2FVsnE+%28Eurasia+Review%29

After France’s Institute for Radio Protection and Nuclear Safety detected ruthenium-106 between 27 September and 13 October, Russia’s weather monitoring service, Rosgidromet, “released test data . . . that showed levels were indeed much higher than normal,” reported the *Guardian*. A nuclear expert at the University of Surrey said the increase was not a health concern, pointing out, “The measurement of this highlights how sensitive radiation detectors are. It’s basically impossible to hide a leak. If it was a weapon explosion or a reactor leak there’d be other radioisotopes, so it looks like a leak from waste reprocessing.” The Russian plant that reprocesses spent nuclear fuel said “the contamination of the atmosphere with ruthenium-106 isotope registered by Rosgidromet is not linked to the [plant’s] activity.” https://www.theguardian.com/world/2017/nov/21/russia-radioactivity-986-times-norm-nuclear-accident-claim?utm_source=esp&utm_medium=Email&utm_campaign=GU+Today+main+NEW+H+categories&utm_term=253234&subid=22849866&CMP=EMCNEWEML661912

Refugees. *Der Tagesspiegel* published a “list of 33,293 registered asylum seekers, refugees and migrants, who died because of the restrictive policies of Fortress Europe,” compiled “from media and U.N. sources,” *Thomson Reuters Foundation* reported. Although the earliest death was in 1993, “most deaths” of people who died seeking shelter in Europe occurred during the last 6 years. <http://news.trust.org/item/20171110160948-vhzgr/>

Slavery. After *CNN* showed a video of men being auctioned as slaves in Libya, the United Nations Security Council unanimously approved a resolution calling on “on countries to adopt anti-trafficking laws, ramp up efforts to investigate and dismantle criminal networks and provide greater support for survivors of slavery.” The resolution also called for “better cooperation between countries and use of data and technology to tackle a lucrative crime estimated to raise \$150 billion in illegal profits a year,” *Thomson Reuters Foundation* reported. <http://edition.cnn.com/2017/11/14/africa/libya-migrant-auctions/index.html>; <http://news.trust.org/item/20171121173613-ralgy/>

Social media. *The Intercept* published an important article, “YouTube and Facebook are Removing Evidence of Atrocities, Jeopardizing Cases against War Criminals.” For background, see *HRWG News* 2017-09. <https://theintercept.com/2017/11/02/war-crimes-youtube-facebook-syria-rohingya/>

Surveillance. “A Pentagon contractor left a vast archive of social-media posts on a publicly accessible Amazon account in what appears to be a military-sponsored intelligence-gathering operation that targeted people in the U.S. and other parts of the world,” *Ars Technica* reported. “The three cloud-based storage buckets contained at least 1.8 billion scraped online posts spanning eight years.” <https://arstechnica.com/information-technology/2017/11/vast-archive-from-pentagon-intel-gathering-operation-left-open-on-amazon/>

Terrorism. The Institute for Economics and Peace, an Australian nongovernmental organization, published the Global Terrorism Index 2017, covering 163 countries with 99.7% of the world’s population. Using the U.S. National Consortium for the Study of Terrorism and Responses to Terrorism database which has “codified 170,000 terrorist incidents” during the past 17 years based on publicly available sources, the Index found that the total number of global deaths from terrorism declined in 2016 but spread to more countries: 77 countries had at least one death from terrorism in 2016 which is more than at any time in the past 17 years. <http://visionofhumanity.org/app/uploads/2017/11/Global-Terrorism-Index-2017.pdf>

World War II. A French court ordered that a painting by Camille Pissarro, seized by Nazi forces from a Jewish owner arrested by the Vichy government in France, must be returned to the descendants of the original owner by the private citizens who now own it. Important to the outcome of the case was a “detailed list of 93 pieces of art” that the original owner made before he was arrested, the *New York Times* reported. The current owners bought the painting at a public auction, and because the return is from a “good faith” private buyer and not an institution, the case “raises many important Holocaust restitution issues.” <https://www.nytimes.com/2017/11/08/arts/design/french-court-pissarro-looted-nazis.html>

Bilateral and multilateral news.

Caribbean/colonial powers. *Telesur* reported on the official launch of the Caribbean Center for Reparations Research, which was opened with a conference in mid-October. Based at the University of the West Indies, the Center will support the CARICOM quest for reparations from former colonial powers. For background, see *HRWG News* 2013-10, 2017-08. https://www.telesurtv.net/english/opinion/Tri-Continental-Nations-Support-Caribbean-Quest-for-Reparations-20171109-0019.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=36

Egypt/France. The International Federation for Human Rights (FIDH) and the Ligue des Droits de l’Homme, with the support of the Cairo Institute for Human Rights Studies, filed a criminal complaint “with the specialized unit responsible for prosecuting crimes against humanity within the Paris Prosecutor’s office, requesting that a criminal investigation be opened” over the sales of surveillance technology to Egypt’s government by the French company Nexa Technologies. The groups say that the technology “facilitates the tracking and arrest of opposition and civil society” members and contributes “to torture and enforced disappearances in Egypt.” <http://www.cihrs.org/?p=20478&lang=en>; <http://www.businessinsider.com/ap-rights-groups-file-case-over-french-spy-tech-sales-to-egypt-2017-11?r=UK&IR=T>

El Salvador/Spain/United States. In 1993 El Salvador’s truth commission found substantial evidence that on 15 November 1989 five army officers gave the order to kill Father Ignacio Ellacuría and to leave no witnesses, which led to the deaths of six Jesuit priests, their housekeeper and her daughter. In 2011, U.S. authorities arrested one of the officers, Inocente Orlando Montano, and charged him with making “false declarations to the U.S. authorities regarding the date of his entry to the territory and his military training in El Salvador,” wrote Trial International, a nongovernmental organization in Switzerland. He pled guilty, acknowledging that he had given false statements. Spain issued an international arrest warrant for Orlando Montano because five of the six priests killed were Spanish citizens, and after a long legal battle he was transferred to Spain at the end of November. <https://trialinternational.org/latest-post/inocente-orlando-montano-morales/>

France/Morocco. France gave the Moroccan Archives 43,000 documents relating to Moroccan Jews, reported *Morocco World News*. The “majority” of the documents date from the late 19th century to the mid-20th and apparently were taken to France at the close of the French colonial administration in Morocco. <https://www.morocoworldnews.com/2017/11/234098/morocco-moroccan-jews-france-moroccan-jewish-heritage/>

Guatemala/ Spain (Catalunya)/Switzerland. At the request of the Historical Archives of the National Police of Guatemala, swisspeace and the National Archives of Catalunya are conducting “an analysis on the process of rescue and protection of the archives” after their discovery by Guatemala’s Human Rights Ombudsman in 2005. <http://archivesproject.swisspeace.ch/news/current-singleview/article/the-historic-archive-of-guatemalas-former-national-police/>

Iran/United States. Xiyue Wan, a U.S. citizen who is a Ph.D. candidate at Princeton University, has been in prison in Tehran since August 2016. He was arrested while doing research on the “administrative and cultural history of the Qajar dynasty (1785-1925),” the Network of Concerned Historians reported. Iran’s *Mizan News Agency* said he was convicted of espionage; the *New York Times* said the allegations against him include that he “illicitly scanned” 4,500 pages of Iranian documents and “paid thousands of dollars to access archives he needed and sought access to confidential areas of Tehran’s libraries.” <https://www.nytimes.com/2017/11/29/world/middleeast/iran-prisoners.html>; for the summary of the case by the Network of Concerned Historians, see <http://www.concernedhistorians.org>

Kosovo/Serbia. The Humanitarian Law Center (HLC) “filed an objection to the Office of the War Crimes Prosecutor’s decision not to prosecute General Dragan Zivanovic, the former commander of the 125th Motorized Brigade of the Army of Yugoslavia.” HLC pointed out that “on the basis of numerous items of evidence and the conclusions of the International Criminal Tribunal for the Former Yugoslavia as to the participation of the Yugoslav Army and the Serbian Ministry of the Interior” in crimes against Kosovo Albanians in 1998 and 1999, the HLC published a dossier of the evidence of the crimes committed in the “zone of responsibility” of Zivanovic’s brigade. www.hlc-rdc.org

Mexico/United States. The University of Texas School of Law and the Fray Juan de Larios Diocesan Human Rights Centre in Coahuila, Mexico, issued a report using the testimonies from three U.S. federal trials between 2013 and 2016 of members of the Los Zetas drug cartel for crimes of homicide, conspiracy to import drugs and weapons, and money laundering. The report gives “one of the most complete accounts so far of how organized crime has attempted to capture the institutions of democracy in Mexico’s regions,” the *Guardian* wrote. https://www.theguardian.com/world/2017/nov/10/mexico-drug-cartels-grip-on-politicians-and-police-revealed-in-texas-court-files?utm_source=esp&utm_medium=Email&utm_campaign=GU+Today+USA+-+Collections+2017&utm_term=251767&subid=22849866&CMP=GT_US_collection; <https://law.utexas.edu/clinics/human-rights/>

Middle East war. The U.S. Central Intelligence Agency made public additional materials it seized during the May 2011 raid on Osama bin Laden’s compound in which bin Laden was killed. They include “Bin Ladin’s personal journal and more than 18,000 document files; approximately 79,000 audio and image files, which include practice reels for public speeches, audio correspondence, and imagery gathered or generated by al-Qa’ida for a variety of purposes; more than 10,000 video files, which include a video of Hamza Bin Ladin as a young adult, al-Qa’ida ‘home videos,’ draft videos or statements by Usama Bin Ladin, and jihadist propaganda.” <https://www.cia.gov/news-information/press-releases-statements/2017-press-releases-statements/cia-releases-additional-files-recovered-in-ubl-compound-raid.html> ; for commentary see <http://beta.latimes.com/world/la-fg-bin-laden-journal-20171102-story.html#nws=mcnewsletter>

The United Nations Assistance Mission for Iraq and the Office of the High Commissioner for Human Rights issued a “Report on the Protection of Civilians in the context of the Ninewa Operations and the retaking of Mosul City, 17 October 2016 – 10 July 2017.” Staff members of the organizations “investigated over 650 incidents involving allegations of civilian casualties” by both the Islamic State (ISIL) and Iraqi Security Forces (ISF). The investigators “received an overwhelming number of reports indicating serious and systematic violations of international humanitarian law and gross violations and abuses of human rights law that have been perpetrated by ISIL.” They also “recorded instances of alleged violations and abuses of human rights” by ISF and “associated forces,” but although in some cases “the information available suggested the involvement of ISF members . . . conclusive information could not be obtained. In other cases, alleged incidents were filmed on videos that were posted on social media.” The report relies principally on the information from 1033 interviews but footnotes also indicate information from social media, the government of Iraq, UN entities, the military coalition, and nongovernment organizations. http://www.uniraq.org/images/factsheets_reports/Mosul_report%2017Oct2016-10Jul201731%20October_2017.pdf

The *New York Times* featured a report on civilian casualties from air strikes by the “coalition forces” in Iraq. By intensively investigating three locations and comparing their findings to the military records of civilian casualties caused by the 103 strikes in those locations, the reporters concluded that one in every five coalition airstrikes resulted in a civilian death. This is 31 times as high as the military’s estimates.

<https://www.nytimes.com/interactive/2017/11/16/magazine/uncounted-civilian-casualties-iraq-airstrikes.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=second-column-region®ion=top-news&WT.nav=top-news#nws=mcnewsletter> NP

National news.

Bosnia. “The Bosnian Serb police arrested a man in the town of Pale after they searched his apartment and found an original copy of the 1995 Dayton Peace Agreement that ended the Bosnian war,” *BIRN* reported. It is “one of the four original copies of the peace agreement.” In 2008 the “archives of the Bosnian presidency” discovered that it had never obtained the agreement. Serbia said that its copy is missing also.

For background, see *HRWG News* 2017-08. http://www.balkaninsight.com/en/article/bosnia-arrests-man-with-missing-copy-of-dayton-agreement-11-01-2017?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=d24b35687b-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-d24b35687b-319755321

Cameroon. A serious fire at the National Assembly building damaged and destroyed archives.

<http://www.dw.com/fr/la-conservation-des-archives-en-question-apr%C3%A8s-lincendie-de-lassembl%C3%A9e-nationale-camerounaise/a-41431175>

Canada. Using “archival photographs and letters, as well as surveyor reports” a cartographer in British Columbia “has mapped . . . the locations of every former residential school in Canada” and posted on line “An Atlas of Indian Residential Schools of Canada,” *CBC* reported. For background on the residential schools issue see *HRWG News* 2017-03, 05 and 10.

<http://www.cbc.ca/news/canada/british-columbia/a-grim-project-b-c-mapmaker-creates-atlas-of-residential-schools-1.4387064>

Prime Minister Justin Trudeau formally apologized for the discrimination faced in the past by members of the military, Royal Canadian Mounted Police, and public service whose careers were ruined, who lost their jobs, and even were imprisoned because of their sexual orientation. In addition to monetary compensation, the government will “permanently destroy the records of convictions for offences involving consensual sexual activity between same-sex partners that would be lawful today.” Individuals will have to apply to have their criminal records expunged. The *New York Times* said that “because the military in particular has blocked access to some reports on the investigations, citing national security, it is unclear how many people came under investigation and how many lost their jobs or security clearances or were demoted. Several groups place the figure at about 9,000.” <https://pm.gc.ca/eng/news/2017/11/28/prime-minister-delivers-apology-lgbtq2-canadians>; <https://www.nytimes.com/2017/11/21/world/canada/gays-trudeau-apology.html>

Colombia. Indigenous leaders and the Ministry of Culture signed an agreement to construct a cultural memorial center in the Sierra Nevada that will be managed by the Arhuaca community, *telesur* reported. The governor of the Sierra Nevada, who is also an Arhuaca leader, said, “There are many stories that were not documented and now that will be possible.” <https://www.telesurtv.net/english/news/Colombias-Largest-Indigenous-Library-Begins-Construction-20171121-0012.html>

France. “The Paris city council plans to open an archive centre in 2020 that will preserve documentation of the LGBT [lesbian, gay, bisexual and transgender] movement in France from the 1960s onwards,” reported *The Art Newspaper*. <http://theartnewspaper.com/news/paris-to-open-an-lgbt-archive-centre-in-2020>

Germany. The Federal Constitutional Court ruled that “lawmakers must create new legislation by the end of 2018 to allow for a third sex, providing the examples of ‘intersex,’ ‘diverse’ or another ‘positive designation of sex’” or to “scrap gender entries altogether,” *DW* reported. <http://www.dw.com/en/germany-must-allow-third-gender-in-registry-of-births-court-rules/a-41289783>

Guatemala. A blog post by Tamy Guberek discussed the statistical sampling of the records in the Guatemala Police Archives and the variations in the terminology used for death that were discovered by the project. <http://blogs.lse.ac.uk/latamcaribbean/2017/11/22/calling-death-by-its-name-breaking-the-silence-of-guatemalas-national-police-archive/>

Haiti. In October the United Nations established a new mission in Haiti for the support of justice, to focus on strengthening rule of law institutions and human rights reporting. The nongovernmental International Center for Transitional Justice interviewed Isabelle Clerie, a civil society activist in Haiti. She said that official government documents “are unavailable.” As an example, she pointed out that few people knew about the truth commission that worked in 1994-95 and “to even find the Truth and Justice Commission documents and reports was a mission and a half. Know where I found it? Duke University Library. We didn’t keep these records. There were only 75 copies printed, and it was supposed to be made widely available, but that never happened. The original document had four annexes, but there only have ever been three annexes published. The fourth had the list of people who were accused of human rights violations, so it mysteriously disappeared.” She concluded that “knowledge management is going to be a huge component to this [new mission], like building a database of information about all of these documents, that can be publicly accessed.” https://www.ictj.org/news/haiti-un-mission-impunity?utm_source=International+Center+for+Transitional+Justice+Newsletter&utm_campaign=5669ba85e4-ICTJ+In+Focus+Issue+74+November&utm_medium=email&utm_term=0_2d90950d4d-5669ba85e4-237813513

India. In 2008 India launched a national land records modernization program, which is scheduled to be completed in 2021. A survey of the records in Maharashtra state found that “about 30% of existing maps cannot be used as they are torn or illegible.” The director of land records said “getting digital records to mirror reality is a challenge.” <http://news.trust.org/item/20171115140406-x0beu/>

Liberia. *RFI* published an article on the work of the national archives and its project to create a presidential archives. Archives Director General P. Bloh Sayeh said that with the help of external partner organizations, the archives has digitized 95% of the land deeds it holds. “We wanted to increase land tenure security to lessen the possibility of strife, and fights, which could possibly lead to another war, so we tried to rescue that area,” she said. <http://en.rfi.fr/africa/20171108-reclaiming-liberia-s-heritage-one-paper-time>

Mexico. The Washington Office on Latin America, a nongovernmental organization, issued a report on crimes and human rights violations committed by soldiers in Mexico. It found that of the 505 criminal investigations of such crimes launched between 2012 and 2016 by Mexico’s attorney general, only 16 resulted in convictions. WOLA identified three practices “that obstruct or delay civilian investigations,” one of which is that “military officials limit civilian authorities’ access to testimony from accused soldiers or soldiers who are witnesses.” The research is “based on interviews, testimonies, official data on crimes, legal analysis of sentences and other legal documents . . . right-to-information requests and media reports.” https://www.wola.org/wp-content/uploads/2017/11/WOLA_MILITARY-CRIMES_REP_ENGLISH.pdf

Philippines. Amnesty International (AI) published a report on the widespread human rights abuses and war crimes committed by both fighters of insurgent groups and government forces during this year’s siege of Marawi in Mindanao. AI urged “the government of the Philippines to conduct a prompt, effective, and impartial investigation into the allegations of serious violations of international humanitarian law and other serious violations and abuses of human rights law” and to work “with civil society groups and community leaders to come up with a credible list of casualties and determine the fate of the missing.” The report is based on extensive interviews, but also used video, satellite imagery, still photographs, and media reports. The large number of interviews with survivors and witnesses to violence demonstrates how important it is to preserve the archives of nongovernmental organizations like AI for use by future accountability mechanisms. <https://www.amnesty.org/download/Documents/ASA3574272017ENGLISH.PDF>

Russia. Researchers at the Center for Independent Social Research in St. Petersburg said that hate crimes against lesbian, gay, bisexual and transgender people in Russia have doubled in five years, *Thomson Reuters Foundation* reported. Drawing on court records and data from the judicial watchdog RosPravosudie, the Center found that of the 250 hate crimes reported, most against gay men, almost 200 were murders. The Center said the numbers are surely an underestimate as many hate crimes are not reported to police. <http://news.trust.org/item/20171121185041-9i0d7/>

Serbia. “The Serbian public prosecutor’s office . . . rejected a request to provide *BIRN* with the indictment against 11 people who were tried for helping former Bosnian Serb military chief Ratko Mladic . . . hide while he was on the run from an international arrest warrant issued by the International Criminal Tribunal

for the Former Yugoslavia. The prosecutor's office said that the indictment had been classified as confidential because releasing it could damage Serbia's reputation internationally." *BIRN* noted that under Serbian law an indictment is a public document. http://www.balkaninsight.com/en/article/serbia-declares-indictment-against-mladic-aids-state-secret-11-10-2017?utm_source=Balkan+Transitional+Justice+Daily+Newsletter+-+NEW&utm_campaign=7142e5e0fd-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_a1d9e93e97-7142e5e0fd-319755321

United Kingdom/Scotland. First Minister Nicola Sturgeon made a formal apology on behalf of the Scottish government to all men who were convicted of sexual offences that are no longer illegal, *The Times* reported. The government published new legislation that "provides an automatic pardon to men convicted under historical discriminatory laws and establishes a new procedure to allow the removal of such convictions from criminal records." <https://www.thetimes.co.uk/edition/scotland/sturgeon-apology-over-historical-gay-sex-convictions-dv19ndf0f>

United States. A man killed 26 people and wounded another 20 in a church in Texas. In 2012 he was convicted on two charges of domestic abuse while he was a member of the Air Force, but the Air Force "did not enter the record of [his] conviction . . . in the national background check system that gun sellers use to check whether potential purchasers are allowed to buy a gun," the *Guardian* reported. Consequently, he bought at least four guns. The Air Force requested a "broader review of criminal record reporting across the defense department." https://www.theguardian.com/us-news/2017/nov/06/texas-shooting-suspect-devin-kelley-domestic-abuse-background-check?utm_source=esp&utm_medium=Email&utm_campaign=GU+Today+main+NEW+H+categories&utm_term=251188&subid=22849866&CMP=EMCNEWEML6619I2

Following the Texas shooting, the *Washington Post* reported that the Federal Bureau of Investigation's (FBI) "background-check system is missing millions of records of criminal convictions, mental illness diagnoses and other flags that would keep guns out of potentially dangerous hands." It quoted experts saying "government agencies responsible for maintaining such records have long failed to forward them into federal databases." In a later story, the *Post* reported that this past February "the FBI directed its employees in the Criminal Justice Information Services Division to remove all entries of fugitives from justice from the background check database" (fugitives from justice are prohibited from buying guns) and not to add any further names. <http://www.chicagotribune.com/news/nationworld/ct-fbi-gun-background-check-system-missing-records-20171110-story.html> ; https://www.washingtonpost.com/world/national-security/tens-of-thousands-with-outstanding-warrants-purged-from-background-check-database-for-gun-purchases/2017/11/22/b890643c-ced1-11e7-9d3a-bcbe2af58c3a_story.html?utm_term=.b7ccf7f8e01f

In an editorial for the *Washington Post*, the Army officer who is the deputy director of the Modern War Institute at the U.S. Military Academy at West Point, New York, argued that the military "is making it hard to remember our wars" because "for the first 10-plus years of the wars in Iraq and Afghanistan, the military lost or deleted a majority of its field records. And, although the military has since made a greater commitment to preserve records, an outdated archival system limits their usefulness." https://www.washingtonpost.com/outlook/how-the-military-is-making-it-hard-to-remember-our-wars/2017/11/10/ff7d6d4e-c324-11e7-aae0-cb18a8c29c65_story.html?utm_term=.6151c6301368

The Biloxi-Chitimacha-Choctaw tribe of Native Americans is helping correct misidentified materials in the archives at the National Museum of the American Indian, hoping to develop enough information to obtain formal U.S. acknowledgement as an historic tribe, the *Washington Post* reported. Recognized tribes qualify for benefits; this is especially important to the Biloxi because they are being displaced from their home on an island on Louisiana's Gulf Coast that is being flooded due to climate change. <http://www.washingtonpost.com/news/speaking-of-science/wp/2017/11/11/were-searching-to-reclaim-what-was-lost-in-museum-archives-a-tribe-urgently-seeks-proof-of-its-past/>

An estimated 700 veterans of the Vietnam War have "passed through" the medical system of the Department of Veterans Affairs (VA) with a rare cancer called cholangiocarcinoma. The *Associated Press*, using records it obtained under the Freedom of Information Act, found that fewer than half of those men submitted claims that the cancer was due to military service and "of the claims submitted, 3 out of 4 have been rejected." The cancer is "a known killer in parts of Asia" from consuming raw or poorly cooked fish with parasites called liver flukes. "VA officials said that while they're sympathetic [to the claims] it's up to the men to prove the connection to their time in service." <http://beta.latimes.com/nation/la-na-vietnam-veterans-20161110-story.html>

“A new study looked for a direct connection between toxic air and mental health, relying on some 6,000 respondents from a larger, national [U.S.] longitudinal study, the Panel Study of Income Dynamics. Researchers then merged an air pollution database with records corresponding to the neighborhoods of each of the 6,000 survey participants.” They found that “risk of psychological distress increased alongside the amount of fine particulate matter in the air,” and when they broke down the data by race and gender, they found that “black men and white women show the most significant correlation between air pollution and psychological distress.” <http://www.futurity.org/air-pollution-mental-health-1594622/>

The *New Yorker* published an article on the Murder Accountability Project that collects information on all killings in the United States since 1976, using data from the FBI and from state records. The Project then uses an algorithm to link “killings that are related by method, place and time, and the victim’s sex.” It also identifies cities where the rate of unsolved murders is “notable.”

<https://www.newyorker.com/magazine/2017/11/27/the-serial-killer-detector>

The Society of American Archivists published two “issue briefs,” one on police mobile camera footage as a public record and the other on the need to improve the federal classified information and the controlled unclassified information programs. <https://www2.archivists.org/.../issue-brief-federal-classified-information-and-controlled-unclassified-information>; <https://www2.archivists.org/.../issue-brief-police-mobile-camera-footage-as-a-public-record>

Publications.

Good reads. For those interested business and human rights, the op-ed piece “Conflict of Interests: How the Fossil Fuel Industry and Corporate Lobbyists Delay Climate Action” introduces us to the acronym BINGO: business and industry non-governmental organization (such as the National Mining Association, the Business Roundtable, Fuels Europe, and the Business Council of Australia).

<http://www.eurasiareview.com/21112017-conflict-of-interests-how-the-fossil-fuel-industry-and-corporate-lobbyists-delay-climate-action-oped/>

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Annex A

The 2017 annual meeting of the Human Rights Working Group in Mexico City:

- *remembered members Sigrid McCausland and Cristina Bianchi, who passed away during the past year;

- *discussed the terms of reference for the HRWG and expressed concern over the ICA Programme Commission's evolving position on copyright of ICA materials (the HRWG would like its publications to be freely accessible to all);

- *declared its intent to place as many of its publications on its website as possible;

- *developed plans to have professional associations endorse the "Basic Principles on the Role of Archivists and Records Managers in Support of Human Rights";

- *praised the ongoing work of the subgroup on business archives and encouraged it to develop an article for *Flash*;

- *agreed to try to develop a set of principles for copying archives and add a model agreement as an appendix;

- *recognized the need to further discuss privacy issues in relation to the new European General Data Protection Regulation;

- *heard a report on the work of the expert group on safe havens for archives at risk;

- *considered a possible reference book on archives and human rights and publication of the *HRWG News* commentaries on archives and the Universal Declaration of Human Rights;

- *agreed to explore the possibility of cooperating with the ICA training program for an online course on archives and human rights;

- *thanked the translators of the monthly *HRWG News* and agreed to seek further volunteers for translation work;

- *considered writing to UNESCO to express concern over politicizing nominations for Memory of the World status.

The Human Rights Working Group also conducted a highly successful two day workshop on archives and human rights in Latin America, with participants from more than a dozen countries, and expresses its sincere thanks to the Spanish Cultural Center for allowing the workshop to be held in its conference room.