
ARCHIVES AND HUMAN RIGHTS

News from the Section on Archives and Human Rights

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Commentary.

[The following summary is based on notes taken during the speech of Judge Aitala. I hope ICA will make a recording of his significant discussion available on line. In her introduction to the Judge's remarks, Giulia Barrera pointed out that 2022 marks the 20th anniversary of the entry into force of the Rome Statute of the International Criminal Court, which had been adopted at a UN Diplomatic Conference in Rome on 17 July 1998.]

“Truth lies at the bottom of a deep well,” Judge Rosario Salvatore Aitala told the plenary session opening the ICA Rome conference in September. It is a Sicilian saying, the Judge said, and it is the shared responsibility of judges and archivists “to jump into the well.”

Judge Aitala is a judge of Pre-Trial Chamber II at the International Criminal Court. He opened his remarks with a brief history of international law, noting that traditionally the fundamental unit in international law was the state, which carried the “legal fiction” that when individuals were acting on behalf of a state or organization, their acts were attributed to the entity—in other words, individuals were shielded by the state. The Nuremburg Tribunal changed that, with its insistence that crimes against international law are committed by people, not abstract entities. This “expressed a promise” to victims and “changed the shape of the international community.” However, he said, that promise has “steadily deteriorated” with the fragmentation of the international order and the decline of multilateralism. Today’s international community, he said, “tolerates violations of international criminal law.”

Turning to the International Criminal Court, Judge Aitala said that he believes archives are “one of the most important categories” of cultural heritage that must be protected. At the time the genocide convention was written, a compromise left out cultural genocide. He argued that cultural heritage represents the “deepest identity” of a people and therefore its damage or destruction should be a crime in international law. The International Criminal Court has begun to prosecute individuals responsible for the destruction of cultural heritage; he pointed to the case of the destruction of religious structures in Timbuktu, Mali, which was the first case concerning damage to cultural property that was heard at the Court.

Archives, he said, are the “means to know” and “extremely important” to the Court. To be useful in judicial proceedings, a document must satisfy two elements: the document is authentic and the content in the document is provable. Documents in a case, he said, can link atrocity crimes to high levels of state organization, shedding light on the usual situation in which leadership creates the conditions that allow persons at the lower level to conduct atrocities. “You archivists are custodians of truth,” he concluded, and judges are responsible for the “guidance” of truth. It is a shared responsibility, one that requires members of both professions to jump into the well.

SAHR News. The Section met during the ICA in Rome, and members also met with the Business Archives Section on possible joint projects. Two members of the Section, Ramon Alberch i Fugueras and Trudy Huskamp Peterson, were named Fellows of the ICA.

“The Universal Declaration of Human Rights: An Archival Commentary” is now available in French: https://www.ica.org/sites/default/files/udhr_archivists-commentary_fr.pdf

International news.

Extraordinary Chambers in the Courts of Cambodia. “The international court convened in Cambodia to judge the Khmer Rouge for its brutal 1970s rule ended its work . . . after spending \$337 million and 16 years to convict just three men of crimes after the regime cause[d] the deaths of an estimated 1.7 people,” *AP* reported. Craig Etcheson, a chief of investigations for the prosecution 2006-2012, said the tribunal “created an extraordinary record of those crimes, comprising documentation that will be studied by scholars for decades to come, that will educate Cambodia’s youth about the history of their county, and that will deeply frustrate any attempt to deny the crimes of the Khmer Rouge.” Now to make sure the archives are preserved and responsibly made available. <https://www.npr.org/2022/09/22/1124432798/cambodia-khmer-rouge-tribunal>

European Court of Human Rights (ECtHR). Two families whose daughters and grandchildren are in refugee camps in Syria sued France for its refusal to repatriate their detained relatives. French courts had dismissed the cases saying the court “lacked jurisdiction to second-guess a diplomatic and national security decision of the state.” ECtHR ruled that France had failed “to set up a formal mechanism to review individual requests of repatriation that would incorporate sufficient guarantees against arbitrariness,” *Lawfare* reported. France must “change its practice in similar cases and reexamine the applicants’ repatriation requests.” The case was closely watched, with seven European governments (Belgium, the U.K., Denmark, the Netherlands, Norway, Spain and Sweden) submitting support for France and human rights groups supporting the position of the families. <https://hudoc.echr.coe.int/eng-press?i=003-7431242-10174513>; <https://www.lawfareblog.com/france-called-out-ignoring-plea-repatriate-citizens-syria>

International Criminal Court. With Eurojust, the Office of the Prosecutor published “Guidelines for Civil Society Organisations on Documentation of International Crimes and Human Rights Violations.” <https://www.icc-cpi.int/news/icc-prosecutor-and-eurojust-launch-practical-guidelines-documenting-and-preserving-information>

International Labour Organisation (ILO). ILO issued “Global Estimates of Modern Slavery: Forced Labour and Forced Marriage.” The estimates of forced labor came from “ILO-Walk Free Surveys conducted as part of Gallup World Poll surveys, 2017-2021.” It estimated that 27.6 million people are in situations of forced labour, a number that has grown between 2016 and 2021, “driven entirely by forced labour in the private economy, both in forced commercial sexual exploitation and in forced labour in other sectors.” The estimates of forced marriage were “derived from nationally representative household surveys in 75 countries conducted during the 2017-2021 period” with nearly 110,000 persons interviewed. The result was an estimated 22 million people living in forced marriages, a stunning “6.6 million increase” between 2016 and 2021, with the prevalence highest in the Arab States. Covid-19 “exacerbated the underlying drivers of all forms of modern slavery, including forced marriage” and the estimates in the report “are likely to understate the full magnitude of the pandemic’s impact.” https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@ipecc/documents/publication/wcms_854733.pdf

Kosovo Special Court. The closing arguments were completed in the trial of Salih Mustafa, a former commander of the Kosovo Liberation Army, accused of murder and torture. *Justiceinfo.net* noted, “It’s the first war crimes trial to be completed before the EU-sponsored court established in 2015.” Five other men have been indicted for war crimes, and “the investigation has reportedly amassed hundreds of thousands of pages of documents and thousands of video files, which must all be translated into the court’s three languages: Albanian, Serbian and English.” A lawyer for former Kosovo president Hashim Thaci, who is one of the indicted, said “over a million pages of documents have been disclosed in his case alone.” https://www.justiceinfo.net/en/106639-kosovo-specialist-chambers-wraps-its-first-war-crimes-trial.html?mc_cid=2bef462105&mc_eid=cac5f32aeb

United Nations. The UN Working Group on Business and Human Rights published an “information note” on “responsible business conduct in the arms sector.” While acknowledging that many States have in place export control legislation on arms, there is a lack of political will to enforce the regulatory framework: “The world’s current approach to keeping arms and related technology out of the hands of

human rights violators is not working.” It recommends that governments communicate information gained in licensing procedures and establish “independent mechanisms” to oversee arms transfers, providing them with “detailed, disaggregated data.” Clearly good records practices are essential to enforce accountability in the arms sector. <https://www.business-humanrights.org/en/latest-news/un-working-group-publishes-new-information-note-on-business-and-human-rights-in-the-arms-sector/>

“For the first time in the 32 years that UNDP [United Nations Development Program] have been calculating it, the Human Development Index, which measures a nation’s health, education, and standard of living, has declined globally for two years in a row” falling back to its 2016 levels. The report used “data from international data agencies with the mandate, resources and expertise to collect national data on specific indicators.” <https://www.undp.org/press-releases/multiple-crises-halt-progress-9-out-10-countries-fall-backwards-human-development-undp-report-warns>

The United Nations, the African Union Commission, the Economic Community of West African States, and the Group of Five for the Sahel “formally launched the Independent High-Level Panel on Security and Development in the Sahel,” the area that extends across Africa south of the Sahara Desert and north of the humid savanna region. It will be headed by Niger’s former president Mahamadou Issoufou; it will need a strong secretariat with good recordkeeping of deliberations about this politically volatile region. <https://news.un.org/en/story/2022/09/1127931>

An investigation by *The New Humanitarian* and *Al Jazeera* found that sexual abuse by aid workers (from both private organizations and international bodies) at the UN-run Malakal camp in South Sudan, first reported in 2015, continues. The UN Population Fund reported on these allegations in 2020, as did a UN taskforce looking at cases between August 2018 and December 2020. The reporters had a copy of the task force report as well as “nearly a dozen documents that show the UN and other aid groups knew about the problem for years.” It is dispiriting reading. https://www.thenewhumanitarian.org/investigation/2022/09/22/sexual-abuse-sexual-exploitation-aid-workers-UN?utm_source=The+New+Humanitarian&utm_campaign=8ed2d4d0ab-EMAIL_CAMPAIGN_2021_09_23_Weekly&utm_medium=email&utm_term=0_d842d98289-8ed2d4d0ab-75545741

World Bank. More than 70 civil society organizations and individuals sent an open letter to the World Bank calling on the Bank and its donors to “take immediate steps to cease activities that promote harmful models of digital identification systems.” They noted that many governments are “closing civic space and intentionally silencing critical voices, both online and offline, and increasingly using digital surveillance as part of a repressive toolkit.” They urged the Bank to “invite and fund an independent, rights-based assessment of the World Bank’s role in supporting digital ID systems globally,” “assess existing evidence and cease activities that heighten the risk of human rights violations,” “enforce greater transparency about activities of the World Bank regarding digital ID,” “create opportunities for sustained, high-level engagement with civil society and other experts,” and “increase funding and resources for baseline studies and contextual analysis, cost-benefit studies, and independent rights-based assessments and evaluations.” https://www.accessnow.org/open-letter-to-the-world-bank-digital-id-systems/?utm_source=substack&utm_medium=email

World/general news.

Business. South Africa’s Makhanda High Court ruled that a permit issued to Royal Dutch Shell and Impact Africa to use seismic tests (“with blaring sound waves”) along the Wild Coast was invalid. The Court said that the company’s consultation process, “which consisted of placing advertisements in newspapers and speaking only with the monarchs and kings of communities, was flawed.” Among the evidence in the case “were studies and testimony demonstrating that seismic noise can travel thousands of kilometers, potentially triggering behavioral changes in whales, dolphins and other cetaceans,” *Inside Climate News* reported. “Opposition to new fossil fuel development has contributed to an explosion in litigation over climate change—Columbia Law School’s Sabin Center for Climate Change Law has logged more than 2,500 cases worldwide.” https://insideclimatenews.org/news/02092022/oil-exploration-south-africa-wild-coast/?utm_source=InsideClimate+News&utm_campaign=13726cdec9-&utm_medium=email&utm_term=0_29c928ffb5-13726cdec9-328765186

“After a nine-year long trial, the Agrarian Tribunal of Tuxtepec, Oaxaca, Mexico, nullified the land lease contracts of a wind farm operated by a subsidiary of the Spanish company Renovalia Energy. The company had signed contracts with several individuals but not with the community. The court ruled that the community is “the only body that can determine the use, destination and enjoyment of the land, since the territory belongs to a communal property regime.” ProDESC, the NGO that helped bring the lawsuit, said the ruling “establishes a historic precedent in the defence of land and territory for agrarian and indigenous communities by recognizing the legal nature of the lands . . . as common use lands, as established by the Presidential Resolution for the Recognition and Titling of Communal Property dating from 1965.” https://media.business-humanrights.org/media/documents/Press_release_UHvsDemex.pdf

In Brazil the “long-running land conflicts linked to BBF’s [Brasil Biofuels] and Agropalma’s plantation operations are escalating,” the NGO Global Witness reported. These two companies dominate the palm oil industry, with palm plantations in the state of Para covering 226,834 hectares, “an area almost the size of Luxembourg—much of which used to be rainforest.” BBF has filed “over 550 police reports against community members,” in what a lawyer for the Indigenous Tembe calls an attempt “to criminalise the protests of the Indigenous and Quilombola people.” Brazil’s Federal Prosecutor’s Office agrees. By contrast, “Agropalma has been accused of acquiring land with illegal titles where thousands of traditional, Indigenous and Quilombola peoples historically lived and from which they have been removed. These issues are alleged to have been ongoing for almost 50 years, according to legal papers filed by MPPA” (the Para State Public Prosecutor’s Office). In August 2020 a court, at MPPA’s request, “recognized that the original acquisition documents of the farms later acquired by Agropalma were false, annulled them and cancelled the farms’ registrations. However . . . Agropalma continues possessing and exploring the areas” because the “court allowed Agropalma to continue trying to regularize the registrations through administrative proceedings.” Global Witness identified 20 companies that source palm oil, directly or indirectly, from the two firms “based on published lists of supplying palm oil mills” or on public information available on trade data systems. Contacted, most firms responded; their comments are included in the report.

<https://www.globalwitness.org/en/campaigns/environmental-activists/amazon-palm/>

The Bureau of Investigative Journalism reported that its new investigation with the *Guardian*, *NBC* and *O Joio e O Trigo* “has linked cattle reared on invaded Menko land [Brazil], home for centuries to the Myky Indigenous people, to a slaughterhouse owned by Marfrig, a supplier to the global food giant Nestle.” The investigation analyzed information about 700 Marfrig cattle suppliers, using satellite imagery and land registry documents to locate farms and reveal “forest loss inside the perimeters of many of these ranches over a six-year period.” Shipping records revealed the export destinations of the meat. The Mato Grosso state environment authority “confirmed . . . that the farms in question are on Indigenous land but said that, because the land has not yet been formally demarcated according to a policy put in place under [President] Bolsonaro’s administration, the properties are not illegal.” An analyst with the Climate Policy Initiative NGO disagreed, saying, “Brazil’s Constitution protects all lands traditionally occupied by Indigenous people. There is no justification from the constitutional point of view, to allow the registration of a property that overlaps” Indigenous territory.

<https://www.thebureauinvestigates.com/stories/2022-09-22/nestle-supplier-used-brazilian-beef-from-seized-indigenous-land>

The NGO Mighty Earth issued a new report as it campaigned to have Carrefour, the French retail giant, “urgently act to clean up its supply chains and cut ties with industrial meat and soy traders driving deforestation” in the Amazon. It noted that satellite imagery of the “Brazilian National Institute for Space Research, INPE, recorded a new record for August of 3,358 fires by 22 August,” with the fires set by “meat industry interests across the Amazon and other precious biomes.”

https://www.mightyearth.org/carrefour_report_en

A U.S. Federal court of appeal ruled “that several families suing Chiquita Brands International for its role in funding paramilitary death squads in Colombia can proceed toward a jury trial,” EarthRights International reported. Chiquita has admitted that it paid the AUC, a Colombian paramilitary group, to protect its banana plantations in the country, even as AUC was engaged in brutal atrocities against civilians in the banana-growing regions. A lawyer for the families said, “Perhaps the most significant aspect of this ruling is that it accepts the admission of circumstantial evidence and expert testimony to show that murders that occurred at times and places where the AUC was in control,” and much of that

evidence had been developed “over more than a decade by the Justice and Peace process in Colombia.” https://earthrights.org/media_release/appellate-court-revives-human-rights-case-against-chiquita/

“Procurement documents published on a Chinese government website” show that ThermoFisher, A Massachusetts based company, is selling over \$160,000 worth of DNA kits and “replacement parts for sequencers to authorities in Tibet, the site of long-standing government repression,” *The Intercept* reported. “ThermoFisher has been criticized in the past for selling DNA equipment to police in Xinjiang, a region in northwest China where authorities have interned an estimated 1 million Muslim Uyghurs and other ethnic minorities.” See also China below. https://theintercept.com/2022/09/13/china-tibet-police-dna-thermo-fisher/?utm_medium=email&utm_source=The%20Intercept%20Newsletter

The U.S. House Committee on Oversight and Reform obtained by subpoena “hundreds of thousands of pages of corporate emails, memos and other files” that show “the fossil fuel industry’s efforts over the decades to mislead the public about its role in climate change, dismissing evidence that the burning of fossil fuels was driving an increase in global temperatures even as their own scientists warned of a clear link,” the *New York Times* reported. <https://www.seattletimes.com/business/oil-executives-privately-contradicted-public-statements-on-climate-files-show/>

A research team at the University of Santa Barbara, California, “examined 188 documents on climate change authored by organizations in and affiliated with the utility industry from 1968 to 2019. Before 1980 electric utilities’ messaging was generally in-line with the scientific understanding of climate change. However, from 1990 to 2000, utility organizations founded and funded front groups that promoted climate doubt and denial. After 2000, these front groups were largely shut down, and utility organizations shifted to arguing for delayed action on climate change, by highlighting the responsibility of other sectors and promoting actions other than cleaning up the electricity system.” <https://iopscience.iop.org/article/10.1088/1748-9326/ac8ab3>

A *BBC* investigation found “millions of tonnes of undeclared emissions from gas flaring at oil fields where BP, ENI, ExxonMobil, Chevron and Shell work. . . . Flared gases emit a potent mix of carbon dioxide, methane and black soot which pollute the air and accelerate global warming. The *BBC* has also found high levels of potentially cancer-causing chemicals in Iraqi communities near oil fields where there is gas flaring.” *BBC* used “World Bank flare-tracking satellite data” to identify the emissions from each site and had a leaked Iraq Health Ministry report showing that new cases of all types of cancer in the Basra region (where some of the world’s biggest oil fields are located) rose by 20% between 2015 and 2018. Thanks to Jens Boel for the link. <https://www.bbc.com/news/science-environment-62917498>

The Organized Crime and Corruption Reporting Project published *Sigan el dinero* (follow the money), a “free Spanish-language handbook (containing) tools, instructions, and tips on how to find and consult available records and databases in 19 Latin American countries, as well as in the United States, Belize, and the British Virgin Islands, which are prime havens for stolen money from the region.” https://cdn.occrp.org/projects/documents/latam-handbook/sigan_el_dinero.pdf?utm_source=substack&utm_medium=email

Elections. Vanderbilt University (U.S.) conducts a survey project called AmericasBarometer that “measures attitudes, evaluations, experiences, and behavior in the Americas using national probability samples of voting-age adults.” Using its 2021 survey of 14,651 people in 22 countries, it looked at “the country, sociodemographic, and political predictors of an individual’s willingness to trade elections for material guarantees of basic income and services.” It found that in “17 out of 22 countries, more than 50% of adults prefer a system that guarantees materials assistance over one that guarantees elections,” with 65% taking this position in Ecuador and a startling 37% in the United States. <https://www.vanderbilt.edu/lapop/insights/IO953en-1.pdf>

Environment. Ruptures on the Nord Stream natural gas pipeline under the Baltic Sea sent up a “huge plume of highly concentrated methane, a greenhouse gas far more potent but shorter-lived than carbon dioxide,” *Reuters* reported. “Researchers at GHGSat, which uses satellites to monitor methane emissions, estimated the leak rate from one of four rupture points was 22,930 kilograms per hour,” equivalent to “burning about 630,000 pounds of coal every hour,” the company said. Preserving the satellite observation records is vital. <https://www.reuters.com/world/europe/nord-stream-rupture-may-mark-biggest-single-methane-release-ever-recorded-un-2022-09-30/>

Environment and land defenders. Global Witness “recorded that 200 land and environmental defenders were killed in 2021—nearly four people a week.” Mexico had the most killings: 54, up from 30 in 2020, and “over 40% of those killed were Indigenous people and over a third of the total were forced disappearances, including at least eight members of the Yaqui community.” Over three-quarters of the recorded attacks took place in Latin America, and in “Brazil, Peru and Venezuela, 78% of the attacks took place in the Amazon.” Mining was the sector linked to the most killings (27).

<https://www.globalwitness.org/en/campaigns/environmental-activists/decade-defiance/>

Forced disappearance. The European Human Rights Advocacy Centre at Middlesex University, U.K., released its Enforced Disappearance Legal Database that “contains the leading jurisprudence, legislation and soft law on the autonomous offence of enforced disappearance as developed by human rights mechanisms around the world.” <https://edld.ehrac.org.uk/>

Migration. The U.S. NGO Human Rights First said the U.S. “Remain in Mexico” (RMX) policy, in which persons seeking immigration hearings in the U.S. are forced to wait in Mexico, is “fatally flawed.” It reviewed 2,688 interviews conducted by pro bono legal staff between January and August 2022 with people initially placed in RMX; the interviewees reported “staggering violence” by cartels and corrupt officials in Mexico. <https://humanrightsfirst.org/library/fatally-flawed-remain-in-mexico-policy-should-never-be-revived/>

Syracuse University’s Transitional Records Access Clearinghouse (U.S.) issued a report on its “detailed analysis of case-by-case records on all Border Patrol Title 42 apprehensions” (this is a program by which “illegal border crossers were not penalized or sanctioned before they were expelled”). Obtained through the Freedom of Information Act, the records covered the past 15 years. The researchers found that “many individuals had been apprehended well over just a few times, and one individual had been previously apprehended on 81 separate occasions. For most BP apprehensions—about 60 percent—the individual had in fact been previously arrested for at least one unlawful entry.” They concluded that “treating Border Patrol’s apprehension totals as if they were totals of individual people has contributed to confusion about the scale of unlawful migration” and makes it difficult “to accurately assess factors that contribute to recidivism or to assess claims that specific border enforcement strategies meaningfully deter unlawful migration.” <https://trac.syr.edu/reports/694/>

The Inter-American Commission on Human Rights (IAHCR) issued a warning to the United States about the transfer of nearly 12,000 migrants from the U.S. states of Arizona, Florida and Texas to other states “without proper coordination between state and federal authorities.” It urged the federal government and border state authorities to “implement an effective, coordinated response to protect the personal integrity and dignity of people in movement,” noting that the most recent data from the U.S. Customs and Border Protection show more than 2 million people have been “encountered” at U.S. borders and more than 750 have died since 1 October 2021. https://www.oas.org/en/jsForm/?File=/en/iachr/media_center/PRelases/2022/212.asp

Privacy. Morgan Stanley, the international financial services company, was fined \$35 million by the U.S. Securities and Exchange Commission for “selling off old hardware devices online, including thousands of disk drives, that were still loaded with personally identifiable information . . . belonging to its clients,” *Naked Security* reported. <https://nakedsecurity.sophos.com/2022/09/23/morgan-stanley-fined-millions-for-selling-off-devices-full-of-customer-pii/?fbclid=IwAR253qjKS5q315xAThmrRFauTHPFSU8sJ2hm6VbVM99PBvPffm5YXIFoYeI>

Refugees. *The New Humanitarian* interviewed more than 50 people—including “lawyers, asylum seekers, academic researchers, and human rights advocates”—and analyzed court documents from the U.K., Italy, and Greece and determined that European courts are “wrongfully prosecuting asylum seekers as smugglers.” https://www.thenewhumanitarian.org/investigation/2022/09/22/sexual-abuse-sexual-exploitation-aid-workers-UN?utm_source=The+New+Humanitarian&utm_campaign=8ed2d4d0ab-EMAIL_CAMPAIGN_2021_09_23_Weekly&utm_medium=email&utm_term=0_d842d98289-8ed2d4d0ab-75545741

Technology. Meta commissioned Business for Social Responsibility, an independent consulting firm, to review the “impact of the content moderation policies of Meta—the parent company of Facebook and Instagram—on Palestinian human rights during the surge in violence in Israel and Palestine in May

2021.” The firm’s report said, “Based on the data reviewed, examination of individual cases and related materials, and external stakeholder engagement, Meta’s actions in May 2021 appear to have had an adverse human rights impact . . . on the rights of Palestinian users to freedom of expression, freedom of assembly, political participation, and non-discrimination, and therefore on the ability of Palestinians to share information and insights about their experiences as they occurred.” An opinion piece written by Nadim Nashif, the founder and executive director of 7amleh, a Palestinian digital rights organization, and published by *Thomson Reuters Foundation*, said the report “might well be a landmark in the struggle for digital justice.” <https://www.bsr.org/en/our-insights/report-view/meta-human-rights-israel-palestine>; https://news.trust.org/item/20220926080316-fd8sp?utm_medium=email&utm_campaign=Espresso%2026%20September&utm_content=Espresso%2026%20September+CID_5a101b762dfc68d2421439b7b9daff81&utm_source=newsletter&utm_term=Meta%20and%20human%20rights%20in%20Palestine

Meta was fined 405 million euros by Ireland’s Data Protection Commission for “failing to protect children’s privacy on its platform,” *Business Insider* reported. “The fine is the second-biggest issued to a tech company under Europe’s GDPR data protection laws. The largest was a \$887 million fine issued to Amazon in July 2021.” <https://www.businessinsider.com/meta-fined-400-million-for-breaching-kids-privacy-on-instagram-2022-9>

On 16 September, International Identity Day, three NGOs warned that “modern, technology-driven ID systems—adopted by a growing number of countries—continue to facilitate exclusion and surveillance, while exacerbating insecurity and vulnerability for communities that are already among the most marginalized,” they wrote in *Al Jazeera*. They cited the Aadhaar system in India and the Uganda project; for background on those problems see, respectively, *SAHR News* 2021-06 and 2022-05. <https://www.aljazeera.com/opinions/2022/9/16/modern-id-systems-watching-a-global-identity-crisis-unfold>

Bilateral and multilateral news.

Egypt/France/Libya. Two international NGOs filed a complaint with the French national anti-terrorist prosecutor’s office asking it to “investigate the French state’s involvement in Egypt allegedly committing crimes against humanity in a secret military operation on the Egyptian-Libyan border,” the *Guardian* reported. They also asked three UN special rapporteurs to “take steps to obtain additional information on the targeted attacks, including through a visit to Egypt.” A leak of “confidential defence documents” of the French military intelligence directorate showed that a “secret intelligence mission” launched by France in February 2016 was to help secure the Egypt-Libya border but “the Egyptian forces changed the original mission so that hundreds of vehicles were targeted by airstrikes causing countless deaths and injuries” of civilians accused of smuggling. <https://www.theguardian.com/world/2022/sep/15/prosecutors-urged-to-examine-french-role-in-egyptian-airstrikes-on-civilians>

France/Rwanda. French judges closed the case against French servicemen deployed during the 1994 genocide in the Bisesero area in western Rwanda “who were accused of being complicit in massacres,” *AFP* reported. Paris prosecutor Laure Beccuau issued a statement saying investigators had not established “the direct participation of French forces in exactions committed in the refugee camps, nor complicity through aid or assistance to genocidal forces, nor complicity by abstention.” The decision can be appealed. The investigation case file would show what documentary resources were and were not used. <https://www.france24.com/en/africa/20220907-paris-prosecutors-close-investigation-of-french-peacekeepers-in-rwanda-genocide>

Haiti/United States. Amnesty International published a report on the treatment of Haitians seeking asylum in the U.S. The report “is based on interviews with 24 Haitians expelled by U.S. authorities between September 2021 and January 2022” and “testimony from psychologists, academic experts, and lawyers, as well as historical evidence—including from Amnesty International’s archives—and information provided by U.S. authorities.” It said Haitians “have faced arbitrary detention, and in some cases, torture or other cruel, inhuman or degrading treatment or punishment . . . related to race and migration.” <https://www.amnestyusa.org/wp-content/uploads/2022/09/They-Did-Not-Treat-Us-Like-People-Embargoed-until-092221.pdf>

Mexico/United States. The U.S. NGO National Security Archive published ten U.S. government documents it obtained through the Freedom of Information Act “and related archival research” that show the involvement of Mexico’s then-president Luis Echeverria Alvarez in the Tlatelolco massacre on 2 October 1968 when students and others protesting in Mexico City about the upcoming Summer

Olympics were shot by the Mexican armed forces (the number of dead is disputed). A Central Intelligence Agency report said the president “shares heavily in the blame” for the massacre; he was charged but cleared of the accusation. <https://nsarchive.gwu.edu/briefing-book/mexico/2022-09-30/echeverrias-legacy-co-opt-and-control?eType=EmailBlastContent&eId=c069abc2-39e7-4cce-b4a2-504ff2a687>

Middle East wars. The Syrian Network for Human Rights (SNHR) released “its seventh annual report on the most notable Russian forces violations since the beginning of Russia’s military intervention in Syria on September 30, 2015,” documenting “the deaths of 6,943 civilians, including 2,044 children and 1,243 attacks on vital civilian facilities at the hands of these forces.” Using data from its database, SNHR assigned responsibility for attacks by “cross-checking a large number of information, statements made by Russian officials, and gathering a large number of first-hand accounts, especially the accounts of the central radar workers.” It called on the Independent International Commission of Inquiry to “conduct extensive investigations into the incidents included in this report and to clearly hold the Russian forces responsible if sufficient evidence is found of their involvement.” <https://snhr.org/blog/2022/09/30/seventh-annual-snhr-report-on-russian-forces-violations-since-the-beginning-of-russias-military-intervention-in-syria-on-september-30-2015/>

The NGO Syria Justice and Accountability Center issued two essays on how legal authorities, including social services providers, should “deal with individuals who committed crimes in Syria as minors.” It said “around 4,640 foreign children were affiliated with ISIS in Iraq and Syria between 2009 and 2017, and another 730 infants were born to foreign parents,” many of whom remain in Northeast Syria. As a first step, the foreign children “should be granted legal documentation to facilitate their return, including birth certificates and travel documents” from the country of birth (of self or parent). https://syriaaccountability.org/holding-minors-accountable-for-serious-crimes-committed-in-syria/?utm_source=SJAC+Weekly+Update&utm_campaign=5f5b128f64-EMAIL_CAMPAIGN_2019_01_10_02_56_COPY_01&utm_medium=email&utm_term=0_0a7405c641-5f5b128f64-96428969

Oman/Sierra Leone. The Netherlands NGO Do Bold documented “an array of systemic and widespread abusive practices against Sierra Leonean women domestic workers in Oman that begin in the recruitment process and continue in their host country.” The report is based on “conversations with 390 women” and “621 survey entries” of which 469 were verified. “Survey participants could also submit photographs, videos, and audio clips.” The researchers met with government officials in both countries and used government reports from Sierra Leone. <https://www.dobold.org/mapping-her-journey/>

Russia/Uruguay. Uruguay police arrested the head of the president’s personal security detail for allegedly participating “in a criminal ring that created fake Russian birth certificates that claimed Uruguayan parents. The goal was for the Russians to be able to obtain passports and other official identity documents,” *Reuters* reported. https://www.reuters.com/world/americas/uruguay-presidents-security-chief-arrested-2022-09-26/?utm_source=substack&utm_medium=email

Ukraine war. The chair of the Independent International Commission of Inquiry on Ukraine told the Human Rights Council it had interviewed more than 150 victims and witnesses in Ukraine and “inspected sites of destruction, graves, places of detention and torture, as well as weapon remnants, and consulted a large number of documents and reports,” which led it to conclude that “war crimes have been committed in Ukraine.” <https://www.ohchr.org/en/statements/2022/09/update-chair-independent-international-commission-inquiry-ukraine-51st-session>

Ukrainian law enforcement agencies intercepted the conversations of calls made in March by a group of Russian soldiers in Ukraine who shared 22 phones. The conversations, which were shared with the *New York Times*, “reference civilian killings that may amount to proof of war crimes,” *Al Jazeera* reported with a link to the *Times* report. <https://www.aljazeera.com/news/2022/9/29/nyt-reveals-details-of-intercepted-russian-soldiers-calls>

The Office of the High Commissioner for Human Rights (OHCHR) told the UN Security Council it has “verified that Russian armed forces and affiliated armed groups subject civilians to so-called ‘filtration,’ a system of security checks and personal data collection.” During “filtration” armed personnel “examined personal belongings, including mobile devices, and gathered personal identity data, pictures and fingerprints.” OHCHR said it also has “documented that men and women perceived as having ties with Ukrainian armed forces or state institutions, or as having pro-Ukrainian or anti-Russian views,

were subjected to arbitrary detention, torture, ill-treatment and enforced disappearance. They were transferred to penal colonies, including the now infamous penal colony near Olenivka, and pre-trial detention centers, where they were interrogated and sometimes tortured to extract a so-called ‘confession’ of their active cooperation with the Government of Ukraine.”

<https://www.ohchr.org/en/statements/2022/09/human-rights-concerns-related-forced-displacement-ukraine>

Human Rights Watch, relying on interviews, also documented the filtration process and “the forcible transfer of Ukrainian civilians from Mariupol and the Kharkiv region to Russia and Russian-occupied areas of Ukraine.” <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>

During the month of September, OHCHR recorded 1,222 civilian casualties, with a total of over 15,200 since the invasion on 24 February. It “believes that the actual figures are considerably higher, as the receipt of information from some locations where intense hostilities have been going on has been delayed and many reports are still pending corroboration.” <https://www.ohchr.org/en/news/2022/10/ukraine-civilian-casualty-update-3-october-2022>

National news.

Afghanistan. In his first report to the Human Rights Council, the Special Rapporteur on the situation of human rights in Afghanistan warned that “the human rights crisis matches the country’s humanitarian and financial crises.” He said “deliberate damage to cultural heritage has been reported,” and “lack of access” to information (among other problems) has “contributed to the closure of or reduction in media activities.” Among the recommendations, he urged “the de facto authorities” to allow media “to carry out their activities without hindrance . . . and investigate cases of intimidation and attacks . . . and take all measures necessary to guarantee freedom of expression and access to information” and “protect tangible and intangible cultural heritage.” <https://www.ohchr.org/en/documents/country-reports/ahrc516-situation-human-rights-afghanistan-report-special-rapporteur>

Argentina. According to data from the national Directorate of Statistics and Health Information in 2020 53,260 babies were born to “girls and adolescents,” an average of 146 births per day, *Infobae* reported. And 1,293 births were to girls under 15 years old. The Ministry of Health added that 38% of adolescent mothers did not complete secondary education and only 3% went on to post-secondary education. https://www.infobae.com/salud/2022/09/26/en-la-argentina-diariamente-nacen-mas-de-tres-ninos-de-madres-menores-de-15-anos/?utm_source=substack&utm_medium=email

Australia. “In a ground-breaking decision,” the UN Human Rights Committee found that Australia failed to “adequately protect indigenous Torres Islanders against adverse impacts of climate change,” thereby violating “their rights to enjoy their culture and be free from arbitrary interferences with their private life, family and home.” The decision cited the document “Torres Strait Climate Change Strategy 2014-18” written by the Torres Strait Regional Authority on the effects of climate change that said “sea level has risen at ~0.6 cm per year from 1993-2010 (compared to the global average of 3.2 mm/yr).” <https://www.ohchr.org/en/press-releases/2022/09/australia-violated-torres-strait-islanders-rights-enjoy-culture-and-family>

Chile. Following the failure to approve the proposed new constitution, the records of the constitutional convention must be handed over to the national archives for preservation. Thanks to Maria Luisa Ortiz Rojas for the information and links.

https://www.chileconvencion.cl/news_constitucional/convencion-deja-a-disposicion-del-archivo-nacional-y-ciudadania-informacion-del-proceso/; <https://www.archivonacional.gob.cl/noticias/archivo-nacional-gestionara-y-preservara-la-documentacion-generada-por-la-convencion>

China. The University of Toronto’s [Canada] Citizen Lab analyzed “100 publicly available sources” (92 WeChat accounts, 7 government websites, and 1 news website) and found that “since June 2016 China’s police have conducted a mass DNA collection program in the Tibet Autonomous Region. Out of the 100 sources . . . 44 contained figures for the numbers of DNA samples police had collected in particular areas of Tibet. Based on our analysis . . . between June 2016 and July 2022 police may have collected between roughly 919,282 and 1,206,962 DNA samples, representing between one quarter . . . and one third . . . of Tibet’s total population (3.66 million).” The Lab said it believed “this program is a form of social control directed against Tibet’s people.” Human Rights Watch also found new evidence

of mass DNA collection in Tibet, identifying reports of DNA collection drives in seven areas, with “government procurement documents” showing that in July 2019 police “called for bids from contractors to construct a regional-level DNA database” for Tibet. <https://citizenlab.ca/2022/09/mass-dna-collection-in-the-tibet-autonomous-region/>; <https://www.hrw.org/news/2022/09/05/china-new-evidence-mass-dna-collection-tibet>

Colombia. The truth commission “revealed the names of 423 people and 58 companies that allegedly financed the expansion of paramilitary organization AUC between 1995 and 1998,” *Columbia Reports* said. In 1998 prosecutors “found the paramilitaries’ financial administration during a historic raid of the parking garage in Medellin just blocks from the city’s city hall.” Although the paramilitary’s “accountant” was prosecuted, “none of the people and the companies in the . . . financial administration were taken to court after the assassinations of multiple prosecution investigators and a series of administrative decisions that ended the investigations.” <https://colombiareports.com/colombias-war-crimes-tribunal-exposes-hundreds-of-medellins-alleged-terrorism-sponsors/>

Cuba. A public referendum approved a new Family Code, which permits “equal marriage, surrogacy, the adoption of children by homosexual couples, the prohibition of child marriage, and the promotion of comprehensive policies to address the gender violence,” *teleSUR* reported. https://www.telesurenglish.net/news/Cubas-New-Family-Code-is-Approved-After-Referendum-20220926-0004.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=12

Ethiopia. The United Nations Commission of Human Rights Experts on Ethiopia told the Human Rights Council it made “an in-depth investigation into three selected incidents and two themes. The incidents examined were the shelling of Mekelle on 28 November 2020 and subsequent attacks on civilians and civilian objects; killings in Kobo and Chenna in late August and early September 2021; and a drone strike on a camp for internally displaced persons in Dedebit on 7 January 2022.” It conducted interviews and “examined additional sources, including satellite imagery, print and audio-visual material, open-source information, and confidential submissions,” concluding that there are “reasonable grounds to believe that parties to the conflict have committed serious violations and abuses of international human rights and humanitarian law since November 2020. We have reasonable grounds to believe that many of these acts amount to war crimes. We also have reasonable grounds to believe that the Federal Government and its allies have committed crimes against humanity in Tigray region. Some of these crimes are ongoing.” <https://www.ohchr.org/en/statements-and-speeches/2022/09/international-commission-human-rights-experts-ethiopia-united>

France. After the Independent Commission on Sexual Abuse in the Church revealed on 5 October 2021 that more than 216,000 people had been abused by a priest or clergyman since 1950, the French Bishops’ Conference set up an Independent National Instance for Recognition and Reparation (INIRR) to provide reparation for victims of priests and laity and a Commission for Recognition and Reparation (CRR) for abuse in “congregations and institutes,” *justiceinfo.net* explained. By 6 September, 784 victims had applied to INIRR, with only 48 having completed the procedure; of the 400 case files submitted to CRR only about 30 had been finalized as of 19 September. https://www.justiceinfo.net/en/106894-reparations-sexual-abuse-church-victims-discontent-grows.html?mc_cid=2bef462105&mc_eid=cac5f32aeb

Guatemala. The NGO Consortium for Sexual and Reproductive Rights reported that this year it had recorded 8,180 cases of sexual violence against Indigenous women, of which 2,143 cases were against Indigenous girls under 14 years of age, *teleSUR* reported. The organization quoted the Ministry of Health as recording 2,906 cases of pregnancies in Indigenous girls under 14 years of age during the first six months of 2022. https://www.telesurenglish.net/news/Guatemalan-Indigenous-Womens-Situation-Denounced-20220913-0019.html?utm_source=planisys&utm_medium=NewsletterIngles&utm_campaign=NewsletterIngles&utm_content=10

Indonesia. Parliament passed “a personal protection bill that includes corporate fines and up to six years imprisonment for those found to have mishandled data,” *Reuters* reported. The bill was passed after a “string of leaks” including from a “Covid-19 contact-tracing app that revealed President Joko Widodo’s vaccine records.” <https://www.scmp.com/news/asia/southeast-asia/article/3193113/indonesia-passes-long-awaited-data-protection-bill-law>

Iran. Between late July and early September 1988 several thousand political dissidents in Evin and Gohardasht prisons near Tehran suffered “extrajudicial execution” and were buried in mass grave sites.

Amnesty International said that ever since the 1988 “prison massacres,” Iranian authorities have tried to cover up evidence, including refusing “to issue death certificates” and removing “victims’ names from burial records.” By reviewing photographs and video footage, Amnesty International confirmed that since May new walls and a security camera have been erected around a Khavaran mass grave “where the remains of several hundred political dissidents executed in secret in 1988 are believed to be buried.” The increased security sparked concerns that this concealment will allow destroying or tampering with the site. <https://www.amnesty.org/en/latest/news/2022/09/iran-walls-erected-around-graves-of-massacre-victims-show-urgent-need-for-international-investigation/>

Israel. *Al Haq*’s forensic architecture investigation unit “analysed and synchronized all available footage” of the killing of *Al Jazeera* reporter Shireen Abu Akleh on 11 May 2022. The team was “given special access to unpublished autopsy documents and examined images of the bullet,” and “commissioned a surveying company to conduct an extensive, professional drone survey of the site and source ground photography for the entire length of the road” where she was killed. The result was a confirmation that Abu Akleh was shot by Israeli forces, that she had worn a “Press” vest as identification, and that “after being shot, Shireen was actively and deliberately denied medical aid.” The investigation report accompanied the complaint to the International Criminal Court submitted by the Abu Akleh family and colleagues against Israel. <https://forensic-architecture.org/investigation/shireen-abu-akleh-the-targeted-killing-of-a-journalist>; <https://www.theguardian.com/world/2022/sep/21/shireen-abu-akleh-family-submits-complaint-to-icc>

Mexico. The 8-year-old case of the missing 43 students from Ayotzinapa Rural Teachers’ College continued its painful course. After the release of the truth commission’s investigative report in August, the special prosecutor in charge of the case issued 83 arrest warrants, including one for a retired army general; however, on 25 September Mexico’s Attorney General’s Office persuaded a judge to vacate 21 of the arrest warrants, 16 of which were for military officials, the *Washington Post* reported. And a federal judge in Matamoros, Tamaulipas, acquitted the former municipal president of Iguala, Guerrero, José Luis Abarca, for his role of the disappearances, saying “there is no evidence of his full responsibility,” *Borderland Beat* reported quoting *API Guerrero*. The special prosecutor resigned. For background, see *SAHR News* 2022-08. <https://www.washingtonpost.com/world/2022/09/27/mexico-ayotzinapa-missing-students-prosecutor/>; <http://www.borderlandbeat.com/2022/09/jose-luis-abarca-former-mayor-of-iguala.html>; https://aristeginoticias.com/2709/mexico/renuncia-gomez-trejo-a-fiscalia-del-caso-ayotzinapa-medios/?utm_source=substack&utm_medium=email

The truth commission report on the Ayotzinapa case was redacted before public release, but “Futuro Investigates obtained an unredacted copy” which “showed the horror of the killings and the bodies being hidden. It implied the direct participation of several members of the Mexican army and also suggested that some bodies could have been hidden inside military facilities,” *Latino Rebels* reported. “By analyzing the calls and messages sent between criminals and officials during the aftermath of the killing order, the case’s new timeline suggested that the students were assassinated, dismembered, and buried the same night” as they were captured, but it also suggested that six students were held as hostages for some days before being assassinated. The journalist who reported the explosive story has been seriously harassed. https://www.latinorebels.com/2022/09/26/newreportayotzinapa/?utm_source=email&utm_medium=editorial&utm_content=news&utm_campaign=220927; <https://nacia.org/ayotzinapa-amlo-mexico-army>

“*Reuters* spent four years documenting the work” of the groups searching for the missing “across 10 Mexican states. In Mexico, around 180 such groups have sprung up.” (The official number of missing in late September was 105,879, with many experts and Mexican officials believing the true number is even higher.) In one case, a woman who believed remains were those of her sister “demanded authorities do DNA tests,” which confirmed the identity. However, when she gained access to the local government case file on its attempts to identify the remains, the woman “noticed bones were missing from the body” so she “fought to have the rest of the remains recovered” and insisted on an “independent autopsy, which found inconsistencies with the official report that listed just one bullet impact wound. The independent autopsy found three.” https://www.reuters.com/investigates/special-report/mexico-missing/?utm_source=substack&utm_medium=email

Myanmar. The Independent Investigative Mechanism for Myanmar reported to the Human Rights Council, “Since the military coup in February last year, there is increasing evidence of crimes against

humanity and war crimes, including murder, torture, deportation and forcible transfer, persecution, imprisonment, and targeting of the civilian population.” It said it has “prepared 67 evidential and analytical packages to share with judicial authorities, including for proceedings at the International Criminal Court and the International Court of Justice.” Its Annual Report said it has “collected and processed almost three million information items from more than 200 sources, including interview statements, documentation, videos, photographs, geospatial imagery, and social media material--more than double what we reported last year. Since the Report was drafted, this number of items has more than doubled again.”

<https://iimm.un.org/statement-to-the-human-rights-council-by-nicholas-koumjian-head-of-the-independent-investigative-mechanism-for-myanmar-on-the-51st-regular-session-of-the-human-rights-council/>

Nicaragua. Reporting to the Human Rights Council on 13 September, OHCHR said there has been “further deterioration of the human rights situation” including “drastically” reducing civic space. OHCHR has “documented attacks in various forms against the Catholic Church” and expressed concern that “the legal personalities of 1,513 human rights, development and other organizations, professional associations, including medical associations, entities linked to the Catholic Church and others, have been cancelled, totalling at least 1,578 over the past four years.” Notably, “OHCHR has no record of any convictions against members of the security forces for human rights violations that have occurred since 2018. We could only be able to document two convictions against pro-government elements, which were not carried out.” <https://www.ohchr.org/en/speeches/2022/09/presentation-report-human-rights-situation-nicaragua>

Russia. “*Novaya Gazeta*, one of Russia’s few remaining independent news outlets, was stripped of its media licence,” *Reuters* reported. “Russia’s media watchdog Roskomnadzor had accused it of failing to provide documents related to a change in ownership in 2006.” <https://www.reuters.com/business/media-telecom/court-shuts-down-novaya-gazeta-one-russias-last-independent-media-2022-09-05/>

In March, the nonprofit transparency group DDoSecrets published a trove of more than 160,000 records, or 700 GB of data, from the Bashkortostan regional office of Russia’s internet regulator, Roskomnadzor. The *New York Times* published an in-depth analysis of the documents, providing insights into how the agency goes about exerting control. The documents highlight how the Kremlin works to silence detractors, monitor social movements including those related to topics like “sexual freedoms” and recreational drug use, control the flow of information within Russia, spread disinformation, and monitor dissidents such as opposition leader Alexey Navalny. The analysis also provides insight into how Roskomnadzor’s role has shifted in recent years. “Roskomnadzor was never part of this game before of providing political intelligence,” Andrei Soldatov, a fellow at the Center for Policy Analysis, told the *Times*. “They’re getting more and more ambitious.” <https://www.nytimes.com/interactive/2022/09/22/technology/russia-putin-surveillance-spying.html>

Saudi Arabia. Authorities launched an investigation into a video which was “widely circulated on social media” showing “a group of men beating women with belts and dragging them by their hair” at a state-run social care facility, *NBC News* reported. The women were said to be protesting poor living conditions. <https://www.nbcnews.com/news/world/video-saudi-arabia-women-beaten-attacked-handcuffed-orphanage-men-rcna46055>

Sri Lanka. The High Commissioner for Human Rights told the Human Rights Council, “Sri Lanka is facing a devastating economic crisis, which has been severely impacting the lives of the people and underscored the indivisibility of human rights.” OHCHR explained its ongoing activities of “collecting, consolidating, analysing and preserving information and evidence,” saying it is continuing “to develop the information and evidence repository using an e-discovery platform.” It has “mapped existing United Nations materials, and integrated all of the material from the OHCHR Investigation on Sri Lanka (OISL), where consistent with the applicable conditions and consent. OHCHR commenced identifying material held by other actors and engaging with information providers. To date, two organizations’ databases have been migrated into the repository, and negotiations with other information providers are ongoing.” Among its recommendations, OHCHR urged the government to release “the complete findings of previous inquiries into the Easter Sunday bombings and establish a follow-up independent and transparent investigation with international assistance and the full participation of victims and their representatives.”

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fhrbodies%2Fhrouncil%2Fregularsession%2Fsession51%2F2022-09-06%2FA_HRC_51_5_AdvanceUneditedVersion.docx&wdOrigin=BROWSELINK

Syria. After “identifying trends in violations by analyzing a large database of open-source videos, local and social media sources, and witness testimony” it has collected, the Syria Justice and Accountability Center reported that “the Syrian government and allied forces have established patterns of intentionally targeting civilians and civilian objects contrary to the laws of war.” Its report focused on three sites of “well-documented violations by pro-government forces” and walked readers through “a part of the process undergone when investigating each of the three selected cases.”

<https://storymaps.arcgis.com/stories/bc95da71c8054c3ba8d6839199ed4ef9>

Ukraine. *Justiceinfo.net* in partnership with *Gre4ka.info* published an article on twelve cases in the courts of the Kirovohrad region against persons charged as Russian collaborators. The cases concerned “Internet support of Russia’s actions—that is, the dissemination of various pro-Russian calls and posts on social networks that violate Ukrainian legislation.” The reporters, who read the case files, found that “all defendants signed plea agreements and received suspended sentences without confiscation of property,” but in two cases additional “creative” obligations were imposed “such as reading the Constitution of Ukraine and Ukrainian literature of national-patriotic nature.” The case files showed no evidence that the persons “acted on the order of Russian agents or the like.”

<https://www.justiceinfo.net/en/106716-traitors-around-how-supporters-russian-aggression-half-punished-ukraine.html>

United Kingdom. The Information Commissioner’s Office issued an enforcement notice—“the first to be issued in seven years”—to the Department for International Trade (DIT) for its “persistent failures” in handling freedom of information requests, *Open Democracy* reported. The notice orders DIT to respond to requests older than 20 working days, the statutory time limit. “Failure to comply within 35 calendar days of the notice could lead to the DIT being found in contempt of court.” A freedom of information specialist said, “It is the kind of firm and determined action which has been badly needed to tackle serious failings on FOI in government departments.”

https://www.opendemocracy.net/en/freedom-of-information/departement-international-trade-information-commissioners-office/?utm_source=SEGMENT%20%20Newsletter%3A%20oD%20weekly&utm_medium=email&utm_campaign=A%20momentous%20week&kx=RFgLPcRxGXLAtYQK0i3ZbXPfXTTQskqEyUWc8P_uhng%3D.YjCYwm

United States. The UN Committee on the Elimination of Racial Discrimination issued sweeping “concluding observations” on three U.S. reports to the Committee. It lamented the U.S. failure to adopt specific legislation to implement the provisions of the Convention on the Elimination of All Forms of Racial Discrimination. Among the many recommendations is that the U.S. should set up “a comprehensive data-collection system on racist hate speech incidents so as to assess the magnitude of the problem and the impact of the measures adopted by” the U.S. as well as a “comprehensive data-collection system for all incidents, complaints and investigations of racial profiling by law enforcement officials;” improve “reporting of cases involving excessive use of force” by law enforcement officials; make “data collection and reporting of cases of excessive or deadly use of force by law enforcement officials to the FBI database mandatory;” and “set up a comprehensive data-collection system on immigration, disaggregated by ethnicity, nationality, gender and other relevant indicators, including information on, *inter alia*, detained non-citizens, asylum procedures and their outcomes and incidents of excessive use of force.”

https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/USA/CERD_C_USA_CO_10-12_49769_E.pdf

Local law enforcement agencies across the country “have been using an obscure cellphone tracking tool, at times without search warrants, that gives them the power to follow people’s movements months back in time, according to public records and internal emails.” The documents and emails were obtained by the Electronic Freedom Foundation through Freedom of Information requests and shared with *AP*, which “independently found” that the company, Fog Data Science LLC, “sold its software in about 40 contracts to nearly two dozen agencies.”

https://apnews.com/article/technology-police-government-surveillance-d395409ef5a8c6c3f6cdab5b1d0e27ef?user_email=f553fa26cd5d27697a335ab74e22a11c9b48c47784712d14145ae3c0ed4aad10&utm_source=Saithru&utm_medium=email&utm_campaign=Sept01_MorningWire&utm_term=Morning%20Wire%20Subscribers

Funded by “billionaire PayPal co-founder” Peter Thiel, a network of hi-tech Anduril towers are appearing across the U.S. side of the U.S.-Mexico border, the *Guardian* reported. “According to a

freedom of information request shared with the *Guardian* by Empower,” U.S. Customs and Border Protection “has a contract with Anduril to deploy a total of 189 autonomous surveillance towers on the south-west border.” The towers “use an artificial intelligence system called Lattice to autonomously identify, detect and track ‘objects of interest,’ such as humans or vehicles. The cameras pan 360 degrees and can detect a human from 2.8km away.” According to an Anduril promotional video, “when the system identifies an object, it sends a notification to border agents on their phone or desktop, and an image appears with bright green rectangles around the item.” https://www.theguardian.com/us-news/2022/sep/16/anduril-towers-surveillance-us-mexico-border-migrants?CMP=share_btn_tw&utm_source=weekendreading1001&utm_medium=email&ms=EMA22WR1001&emci=e738fa1a-cd40-ed11-b495-00224832e4ca&emdi=ce05acc7-8441-ed11-b495-00224832e4ca&ceid=1105701

Elections officials across the country are getting dozens of near-identical requests for copies of the “cast vote record” generated by ballot-counting machines, *VOTE BEAT* reported. A “cast vote record” is “the electronic representation of how voters voted. These lines of data appear in a spreadsheet . . . to indicate the votes an anonymous ballot contained. Whether the resulting record can be made public varies around the country, and the exact definition and appearance of what’s included in a cast vote record also varies, depending on the jurisdiction and the voting technology it uses.” Persons wanting evidence of voter fraud are demanding to see the records, although experts say the records can’t be used that way. https://arizona.votebeat.org/2022/9/7/23341640/cast-vote-record-data-ballot-tabulator-images?mc_cid=64a8e4fff6&mc_eid=984067ef8d

A team of scholars and volunteers used camp rosters, birth certificates, train transfer lists and army draft cards, among others, and created a 1,000-page list of every person of Japanese ancestry incarcerated in one of the 75 incarceration sites during World War II, *LAist* reported. The final list has 125,284 names. <https://laist.com/news/wwii-monument-project-japanese-american-incarceration>

From 1966-1972 the Doris Duke Indian Oral History Program funded projects at seven Oklahoma state universities to conduct oral histories with Indigenous people across the U.S. Fifty years later, a follow-up grant has paid to digitize the oral histories, with control over the process and which oral histories become public put back in the hands of the tribes where the recordings originated, *PBS* reported. <https://www.pbs.org/newshour/nation/states-return-recordings-of-indigenous-oral-histories-to-tribal-control>

United States/California. “A rape victim whose DNA from her sexual assault case was used by San Francisco police to arrest her in an unrelated property crime . . . filed a lawsuit against the city,” *AP* reported. The police chief said the police department has “formally changed its operating procedure to prevent the misuse of DNA collected from sexual assault victims.” <https://www.cbsnews.com/news/rape-kit-dna-san-francisco-woman-arrest-lawsuit/>

United States/Colorado. In August 2019 Elijah McClain, a young Black man, died during his arrest by Aurora, Colorado, police because “paramedics gave him a lethal dose of ketamine,” a sedative, *VICE News* reported. The initial 2019 autopsy report listed the cause of death as “undetermined,” but “after additional evidence in the form of body-camera footage, witness testimony, and ‘additional records’ were made available to the office of the coroner,” in July 2021 a new autopsy was signed which now reads “complications of ketamine administration following forcible restraint.” <https://www.vice.com/en/article/z34qxe/elijah-mcclain-autopsy-ketamine-paramedics>

United States/Oklahoma. On 31 May 1921, a white mob destroyed more than a thousand homes and hundreds of businesses in the affluent Black neighborhood of Greenwood in Tulsa, Oklahoma. “Historians believe that dozens to as many as 300 Black people were killed during the massacre,” and there is belief that some victims were buried in mass graves, *WIRED* reported. Since 2020 the city has undertaken excavations of suspected mass graves; so far 19 sets of human remains have been exhumed. People with connections to those killed in the massacre can take a DNA test through several of the commercial services for use for “genetic genealogy” as DNA is obtained from remains. The test results will be uploaded to a “genealogy website used by law enforcement.” “Some residents and privacy experts worry that this genetic data could be used for purposes beyond the identification project, including in criminal investigations.” https://www.wired.com/story/an-effort-to-id-tulsa-race-massacre-victims-raises-privacy-issues/?utm_source=STAT+Newsletters&utm_campaign=fcae39c917-MR_COPY_01&utm_medium=email&utm_term=0_8cab1d7961-fcae39c917-149736437

Venezuela. The Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela issued two reports, saying “Venezuela’s military and civilian State intelligence agencies function as well-coordinated and effective structures in the implementation of a plan orchestrated at the highest levels of the government to repress dissent through crimes against humanity.” It documented 122 cases of victims who were detained by the Directorate General of Military Counterintelligence, “77 of whom were subjected to torture, sexual violence and/or other cruel, inhuman or degrading treatment.” The report also “documents how both State and non-State actors have committed human rights violations and crimes against the local population in the struggle for control over mining areas.” The Mission based its findings on 245 confidential interviews and analysis of “case files and other legal documents.” <https://www.ohchr.org/en/press-releases/2022/09/venezuela-new-un-report-details-responsibilities-crimes-against-humanity>

Events, publications.

Workshop paper submissions are due 28 October for the 7th workshop at IEEE Big Data addressing Computational Archival Science (CAS): <https://ai-collaboratory.net/2022/05/03/call-for-papers-for-the-7th-computational-archival-science-cas-workshop/>

On 26 October, 14:00-15:00 Eastern U.S. time, the U.S. National Academies of Sciences, Engineering, and Medicine will hold a Zoom discussion, “Constructing a Human Rights Framework for Online Health-Related Speech,” with international human rights lawyer Evelyn Aswad and former United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression David Kaye: <https://www.eventbrite.com/e/constructing-a-human-rights-framework-for-online-health-related-speech-tickets-400722490757>

The Inter-American Commission on Human Rights and the United Nations High Commissioner for Refugees published “Practical Guide to Improve International Protection and the Regularization of Legal Status in the Context of Large-Scale Mixed Migration Movements in the Americas”: https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2022/206.asp

Ilaria Fevola, ARTICLE 19, “Big Tech and the right to know”: https://www.context.news/big-tech/opinion/big-tech-and-the-right-to-know?utm_source=news-trust&utm_medium=redirect&utm_campaign=context&utm_content=article

Renuka Kumar, “The same app can pose a bigger security and privacy threat depending on the country where you download it, study finds,” *The Conversation*: <https://theconversation.com/the-same-app-can-pose-a-bigger-security-and-privacy-threat-depending-on-the-country-where-you-download-it-study-finds-189099>

Gabriel Nicholas, Dhanaraj Thakur, Center for Democracy & Technology, “Learning to Share: Lessons in Data-Sharing from Beyond Social Media”: <https://cdt.org/insights/learning-to-share-lessons-on-data-sharing-from-beyond-social-media/>

Natasha Singer, “LinkedIn Ran Social Experiments on 20 Million Users over Five Years,” *New York Times*: <https://www.yahoo.com/news/linkedin-ran-social-experiments-20-142628461.html>

Ruben Zeeman, “Around the World, Censorship of Historians is Tied to Attacks on Democracy,” *History News Network*: <https://historynewsnetwork.org/article/184003>

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